



**Commission on
Human Rights**

FOR IMMEDIATE RELEASE: July 13, 2017

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**NYC COMMISSION ON HUMAN RIGHTS CHARGES FOUR SUBSTANCE ABUSE
CENTERS WITH DISCRIMINATORY INTAKE POLICIES FOR TRANSGENDER
PATIENTS**

Commission charges centers with gender identity discrimination under the NYC Human Rights Law, including refusing to admit transgender patients, assigning rooms according to patients' gender assigned at birth rather than their gender identity, and subjecting patients to physical exams to determine gender identity

NEW YORK – The NYC Commission on Human Rights announces today four complaints filed against substance abuse centers across the City for discriminatory policies involving the intake of transgender patients. The complaints, which the Commission filed on behalf of the City, were the result of proactive testing conducted by the Commission following reports of discrimination from advocates. The centers include Salvation Army Adult Rehabilitation Center (Brooklyn), Addicts Rehabilitation Center (Manhattan), Promesa Residential Health Care Facility (Bronx), and the Thomas and Marie White Health Center (Queens).

The Commission's complaints, filed by its Law Enforcement Bureau, charge the centers with gender identity discrimination for refusing to accept transgender patients and for discriminatory housing policies, including assigning rooms based on a patient's gender assigned at birth rather than their gender identity, subjecting patients to physical examinations, and forcing transgender patients into separate rooms. The substance abuse centers involved in these investigations have been notified of the alleged violations and the Commission continues the investigations.

"The last thing New Yorkers battling addiction, depression, or any mental health challenges need is discrimination and harassment at the door," said **First Lady Chirlane McCray** who leads the city's mental health and substance misuse efforts. "Transgender and gender non-conforming individuals deserve to be treated with respect and dignity when receiving health services, just like anyone else. I am proud to live in a city that fights for transgender rights and look forward to further strengthening anti-discrimination protections for all New Yorkers."

"At a time when the federal government is rolling back LGBTQ protections, New York City is doubling down on its efforts to make sure everyone is treated equally and with respect," said **Deputy Commissioner of the Law Enforcement Bureau at the NYC Commission on Human Rights, Hollis V. Pfitsch**. "Transgender and gender non-conforming individuals have been targets of bias and discrimination for far too long. The Commission fights to protect every person regardless of their gender identity in New York City and will hold accountable anyone who discriminates against another person for being who they are. In New York City, everyone has the right to be themselves without hatred, violence, or discrimination."

“New York City welcomes all genders, gender identities, and gender expression — this includes health care facilities,” said **NYC Health Commissioner Dr. Mary T. Bassett**. “I applaud the Commission on Human Rights’ efforts to redress these facilities and ensure that those who need help can get it without being discriminated against.”

Following tips from the Transgender Legal Defense & Education Fund alleging discrimination against transgender patients at substance abuse centers in September 2016, the Commission began testing substance abuse centers for discriminatory practices. The Commission’s testers approached more than a dozen substance abuse centers citywide to inquire whether the centers accepted transgender patients for treatment and where those patients would be housed.

The Commission found that one center outright refused to accept transgender patients, telling a Commission tester that “no, we don’t [accept transgender patients].” Representatives at other centers told Commission testers that transgender women would be housed according to their gender assigned at birth, in violation of gender identity protections under the NYC Human Rights Law. One representative said that “people with moving male parts would be housed with men,” while another said “it depends on how far along the person is in the process.” Representatives also said that they perform physical examinations on transgender patients to determine whether they are on hormone medication or have had surgery. Other representatives said that transgender patients would be required to stay in private rooms. It is a violation of the Law to forcibly segregate transgender or gender non-conforming people into facilities apart from cisgender individuals.

“People seeking drug treatment are being turned away simply because they’re transgender,” said **former Staff Attorney for the Transgender Legal Defense & Education, Noah Lewis** who flagged the issue. “That’s unacceptable. Transgender people are disproportionately discriminated against in their daily lives, at their jobs, in restaurants, and on the street. Enough is enough. No one seeking treatment for drug use should be met with discrimination or harassment, and I’m glad the Commission is taking action so that people seeking treatment can get the help they need.”

By filing a complaint on behalf of the City, the Commission is exercising its authority under the NYC Human Rights Law to launch its own “Commission-initiated investigations” into entities the Commission has reason to believe are discriminating against members of the public. The Commission may launch a Commission-initiated investigation after receiving anonymous tips, reports, or complaints from members of the public or based on evidence uncovered through its testing program.

It has been illegal in New York City to discriminate against individuals based on their gender identity since 2002, when the New York City Council passed legislation to include gender identity as a protected class under the NYC Human Rights Law.

Claims of discrimination based on gender identity and expression continue to rise at the Commission, following a two-year trend. The Commission filed 30 new investigations into gender identity discrimination in 2016, up from 18 investigations in 2015 and one investigation

in 2014. The Commission is currently investigating nearly 50 claims of gender identity discrimination.

The Commission has the authority to fine violators with civil penalties of up to \$250,000 for willful and malicious violations of the Law and can award compensatory damages to victims, including emotional distress damages and other benefits. The Commission can also order trainings on the NYC Human Rights Law, changes to policies, and restorative justice relief such as community service and mediated apologies.

In the last two years, the Commission's has reinforced its focus on educating and enforcing gender identity protections.

- In June 2017, the NYC Department of Health and Mental Hygiene, in partnership with the Commission, announced an [LGBTQ Bill of Rights](#) which details health care protections on local, state, and federal levels to empower LGBTQ New Yorkers to get the health care they deserve. It also reiterates that medical providers and their support staff are legally required to offer LGBTQ New Yorkers quality care regardless of their sexual orientation, gender identity or expression. The bill of rights was distributed on posters and wallet cards at clinics and health centers across the city.
- In June 2016, the Commission launched the nation's first government-led citywide ad campaign ([#BeYouNYC](#)) affirming every New Yorkers' right to use bathrooms and other single-sex facilities consistent with their gender identity and expression, and provided information on what steps individuals can take should they feel discriminated against. The ads and videos, which featured real New Yorkers of transgender experience, were featured on subway cars, bus shelters, Taxi TV, phone booths, ethnic and community newspapers, and social media and were seen by millions of New Yorkers.
- Since June 2016, the Commission and the LGBT Community Center have led a Citywide effort to improve cultural competency by educating City agencies, employers, housing providers, and businesses on the experiences of transgender New Yorkers.
- In March 2016, Mayor de Blasio also issued an [Executive Order](#) requiring City agencies to ensure that employees and members of the public are given access to City single-sex facilities consistent with their gender identity without being required to show identification, medical documentation, or any other form of proof or verification of gender.
- In December 2015, the Commission issued [legal enforcement guidance](#) to further define what constitutes gender identity discrimination under the NYC Commission on Human Rights. The guidance provides clear examples of violations of the Law, including refusing individuals access to use single-sex facilities or participation in programs consistent with their gender identity.

According to a recent [survey](#) by the National Center for Transgender Equality of nearly 28,000 transgender people, nearly one third (31 percent) said they had experienced mistreatment in a

public accommodation in the past year, including restaurants, stores, hotels, airports, doctors' offices, and drug treatment programs. Thirty percent of all participants reported experiencing discrimination or harassment on the job in the past year.

If you or someone you know believes they are the victim of discrimination or harassment, call 311 and ask for NYC Commission on Human Rights or call the Commission's Infoline at 718-722-3131. For more information, visit [NYC.gov/HumanRights](https://www.nyc.gov/humanrights) and follow @NYCCHR on Twitter, Facebook and Instagram.

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“Transgender and gender non-conforming people are entitled to the same fairness and respect as any New Yorker,” said **Council Member Carlos Menchaca of Brooklyn**. “Human rights violation charges against substance abuse centers with discriminatory policies are a clear warning. Discrimination based on gender identity is always unacceptable and especially at organizations offering health and drug rehabilitation services.”

“It is a sad reality that transgender New Yorkers continue to face discrimination when they seek services or utilize public accommodations,” said **Councilwoman and Chair of the LGBT Caucus, Rosie Mendez**. “It is reprehensible to think that social service providers at substance abuse treatment centers are denying services to anyone who is seeking assistance. Furthermore, it's offensive that these providers are denying services to the transgender community. I want to thank the NYC Human Rights Commission for investigating the claims of transgender individuals who sought and were denied services. Our city does not and will not tolerate discrimination of any kind and I am grateful that our agencies continue to hold institutions accountable for their actions.”

“These charges show that we must continue to fight for the equal treatment of those in the transgender and gender non-conforming communities,” said **Council Member Ritchie Torres of the Bronx**. “These communities face extreme challenges when accessing social services and facilities, and their rights must be protected. Discriminatory actions towards people seeking help are alarming, unlawful, and must be prosecuted.”

“A center for health and rehabilitation should be a place where all people feel comfortable, safe and taken care of,” said **organizer with Make the Road New York's Trans Immigrant Project (TrIP), Bianey Garcia**. “As a transgender woman, these results are deeply troubling and our community will not accept this type of treatment. We stand with the NYC Commission on Human Rights in rejecting this discrimination and demanding equal treatment for our community.”

“We applaud the Commission's continued commitment to ensuring that transgender people in New York City have the same rights as all other New Yorkers,” said **Executive Director of the National Center for Transgender Equality, Mara Keisling**. “Discrimination is never acceptable, but it is especially objectionable for substance abuse centers to engage in this kind of mistreatment when people are at their most vulnerable and seeking help. Turning away or

otherwise discriminating against transgender people is no way to help them towards recovery, which is the ostensible mission of centers like this.”

“The Center has long heard reports of widespread discrimination against trans and gender expansive community members in substance use treatment, and while we provide an LGBTQ-affirming environment in our substance use treatment program, we know that's not the case everywhere,” said **Executive Director of The Lesbian, Gay, Bisexual & Transgender Community Center, Glenda Testone**. “We're proud to be a part of this joint effort to end discrimination against the TGE community and applaud both TLDEF, for urging the Commission to launch testing in these centers for discrimination in 2016, and the Commission for taking action to stop this in its tracks. A person should be able to walk into any treatment center in this city and get competent, gender affirming care.”