

# The United States of Discrimination: Trends in Bias Against LGBTQ People and People Living with HIV, 2021

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*As Congress considers comprehensive protections for LGBTQ people, statistical data collected and analyzed by Lambda Legal's Help Desk reveals widespread anti-LGBTQ discrimination continues to persist in communities everywhere, in many forms – underscoring the need for urgent action on the Equality Act.*

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# Overview: The Scale and Scope of Anti-LGBTQ Discrimination

*As Congress prepares to consider the Equality Act – critical legislation that would for the first time ensure comprehensive federal anti-discrimination protections for LGBTQ people – the evidence reinforcing its need is easily found in troves of court cases, news stories, police reports, and other well-documented recountings of harassment and discrimination experienced by LGBTQ Americans. Evidence for the need is also found in the self-reported experiences of LGBTQ people, most of which aren't enshrined in national news coverage or high-profile court cases, but are imprinted in the memories of the millions of LGBTQ people who encounter them daily.*

Nearly two-thirds of LGBTQ Americans report having experienced discrimination in their lifetimes – from being refused service in places of public business, to being evicted from their homes, being fired from jobs, or being refused taxpayer-funded services – simply because of who they are. When considering that 5.6 percent of the more than 255 million American adults identify as “LGBTQ”, the vastness and reach with which discrimination occurs becomes painfully illuminated, with many millions experiencing discrimination and harassment.

Discrimination against LGBTQ people is ubiquitous. This should be reason enough for Congress to finally close the many civil rights gaps that have left LGBTQ Americans vulnerable, unprotected, and too often defenseless against transgressions in virtually every realm of public life. But at a time when LGBTQ people are facing unprecedented discrimination and fear – and in a political climate where too many lawmakers have sown false narratives disparaging and denigrating LGBTQ people and particularly transgender Americans, and where federal courts (which have long-served as the only backstop for LGBTQ people seeking recourse against discrimination) have been stacked by an alarming number of judges harboring anti-LGBTQ bias – the Equality Act is more important now than ever.

## **Anti-LGBTQ Discrimination Insights from Lambda Legal's Help Desk**

Lambda Legal has been making the case for equality for nearly a half-century through our hallmark litigation and movement-defining advocacy. But as we now stand at the precipice of making landmark progress for LGBTQ people through the Equality Act,

the voices we must listen to now – and the voices that Congress must hear from – are the voices of LGBTQ people across the country who live with harassment and discrimination on a daily basis. It is the aim of this analysis to provide a snapshot of who those voices are, the frequency with which they face discrimination, and the many forms of discrimination they experience in daily life.

The below analysis provides a brief overview of the scale and scope with which anti-LGBTQ discrimination occurs – a snapshot based on the thousands of incidents of harassment and discrimination reported to Lambda Legal's Help Desk from people across the country. Lambda Legal's Help Desk is a safe and confidential space that empowers the LGBTQ+ community and allies by providing legal information, education, and self-advocacy resources in response to individual requests for legal guidance. The Help Desk provides information and resources for addressing discrimination based on sexual orientation, gender identity and gender expression, and HIV status.

While Lambda Legal does not share personal information – and keeps all reports confidential – we collect and analyze the statistical data of incoming requests to better understand the environments and factors in which anti-LGBTQ discrimination and harassment unfold.

The below analysis provides a glimpse of the scale and scope of anti-LGBTQ discrimination, illustrating not only the urgency of the need for the Equality Act, but why ensuring that LGBTQ people are afforded the same federal anti-discrimination protections other Americans enjoy is of profound and consequential importance.

# Analysis Toplines: Snapshot of Anti-LGBTQ Discrimination

During 2020, Lambda Legal's Help Desk received **4,468 requests** for assistance with claims of anti-LGBTQ harassment and discrimination. Using this small sampling of 4,468 people, we have analyzed the statistical data of those requests to extrapolate trends and findings that we believe are representative of the broader LGBTQ community's experiences with discrimination and harassment. Our key findings based on that analysis include:

- **Anti-LGBTQ discrimination is ubiquitous.** LGBTQ harassment and discrimination reports came from all 50 states, the District of Columbia, and Puerto Rico.
- **Anti-LGBTQ discrimination cuts across socio-economic boundaries.** 33% of people reported incomes of less than \$20,000; 33% reported incomes of between \$20,000 and \$60,000; 32% reported incomes of higher than \$60,000.
- **Workplace-related anti-LGBTQ discrimination dominated requests for legal help.** 13% of all calls were related to employment discrimination based on sexual orientation, gender identity, and HIV status. For sexual orientation reports, workplace-related issues were the biggest driver of discrimination complaints, representing 22% of requests; for gender identity reports, workplace-related issues were the second biggest driver of discrimination complaints, representing 14% of requests..
- **Difficulty accessing identity documents is a dominant problem area for transgender people.** 25% of trans people who requested legal help were struggling with identity document-related issues.
- **Students seeking help with anti-LGBTQ discrimination in school settings reported equal targeting based on gender identity and sexual orientation.** 54% of all school-based discrimination help requests related to gender identity issues; 46% of all school-based discrimination help requests related to sexual orientation issues.
- **Anti-LGBTQ harassment and violence accounted for 7% of all help requests.** Harassment and violence represented 14% of all sexual orientation-related reports, and 5% of all gender identity-related reports.
- **Criminal justice legal matters accounted for roughly one-in-ten of all anti-LGBTQ discrimination help requests.** 11% of reports of discrimination were related to criminal justice legal matters, and 7% of all inquiries were received from jails and prisons.
- **Gender identity-based discrimination reports were dominated by issues related to identity documents, workplace, and prisons.** Amongst reports of discrimination based on gender identity, 25% related to identity documents, 14% related to workplace harassment, and 10% related to prisons.
- **Sexual orientation-based discrimination reports were dominated by issues related workplace, relationships, harassment and violence, and parenting.** Amongst reports of discrimination based on sexual orientation, 22% related to workplace issues, 20% related to relationship issues, 14% related to harassment and violence, and 11% related to parenting and children's issues.



# Trends Spotlight: Commons Forms of Anti-LGBTQ Discrimination

*While LGBTQ discrimination takes shape in many forms – and occurs in virtually every realm of public and private life – incoming reports of discrimination received by Lambda Legal spanned a range of common issues and types of discrimination, which include: workplace discrimination; difficulty accessing identity documents; same-sex relationship issues; harassment and violence; parent and child issues; immigration issues; prisons and criminal justice issues; discrimination in public accommodations; housing issues; discrimination amongst youth in schools; insurance issues; and confidentiality matters.*

***While discrimination in any one of these individual arenas could constitute an entire life’s work of advocacy and research, below are very brief, high-level snapshots of what our statistical analysis found on how various types of discrimination manifested, and the trends we saw across the 4,468 reports received by Lambda Legal throughout 2020.***

## Employment Trends

**Difficulty accessing identity documents is a dominant problem area for transgender people.**

- 5% of all calls were related to a hostile work environment.
- Most of the employment inquiries received are from callers who have not filed a complaint with the EEOC or local fair employment practices agency.

## Identity Document Trends

**6.6% of all calls related to identification documents.**

- Inquiries go beyond requests for help with amending documents - individuals also ask about correcting marriage certificates, birth certificates of child(ren), insurance records, and with banks and credit reporting agencies.
- The Help Desk also gets a number of requests from people looking to obtain non-binary gender markers on various documents.

## Criminal Justice Trends

**11% of all calls related to criminal justice legal matters.**

- Criminal justice inquiries continue to cover a wide array of Lambda Legal issue areas, including: harassment by inmates and prison

staff, harassment by law enforcement, failure to take incidents of violence against the community seriously, and HIV criminalization.

- The Help Desk received 346 calls or 7% of all inquiries from jails and prisons.
  - » The majority of inquiries related to gender identity matters (40% or 150 calls), followed by sexual orientation matters (27% or 95 calls), and HIV matters (7% or 26 calls).

## Immigration Trends

**3% of all calls related to immigration legal matters.**

- 48% focused on asylum:
  - » 80% of asylum calls related to sexual orientation.
  - » 13% of asylum calls related to gender identity.
  - » The asylum calls came from immigrants representing 40 countries around the world and every continent except Australia.
    - The majority of asylum calls came from immigrants from Asia with 35% of all asylum calls, closely followed by Africa with 27% of all asylum calls.
  - » 32% of asylum callers were immigrants outside the United States.
- 25% of immigration calls focused on binational couples.

# Trends Spotlight: Commons Forms of Anti-LGBTQ Discrimination (Cont'd)

## School Trends

**The majority of complaints related to schools centered around gender identity issues.**

- 54% related to gender identity issues.
- 46% related to sexual orientation issues.
- Harassment/Violence are endemic in the school setting; 42% all school-related calls included incidents of violence and harassment.
- Other issues include failure of schools to reflect the chosen names of students, violence against students based on their sexual orientation or gender identity, schools refusing to let students

use the appropriate sex-segregated facilities, and students attempts to participate in school activities that correspond to their gender identity.

## Parent & Child Trends

**6% of all calls related to parent & child matters.**

- 61% focused on custody and visitation matters and 12% focused on second-parent adoptions.
- The Help Desk has also seen a growing trend: discordant parent support calls, with parents fighting over issues such as whether or not to respect a child's transgender identity.



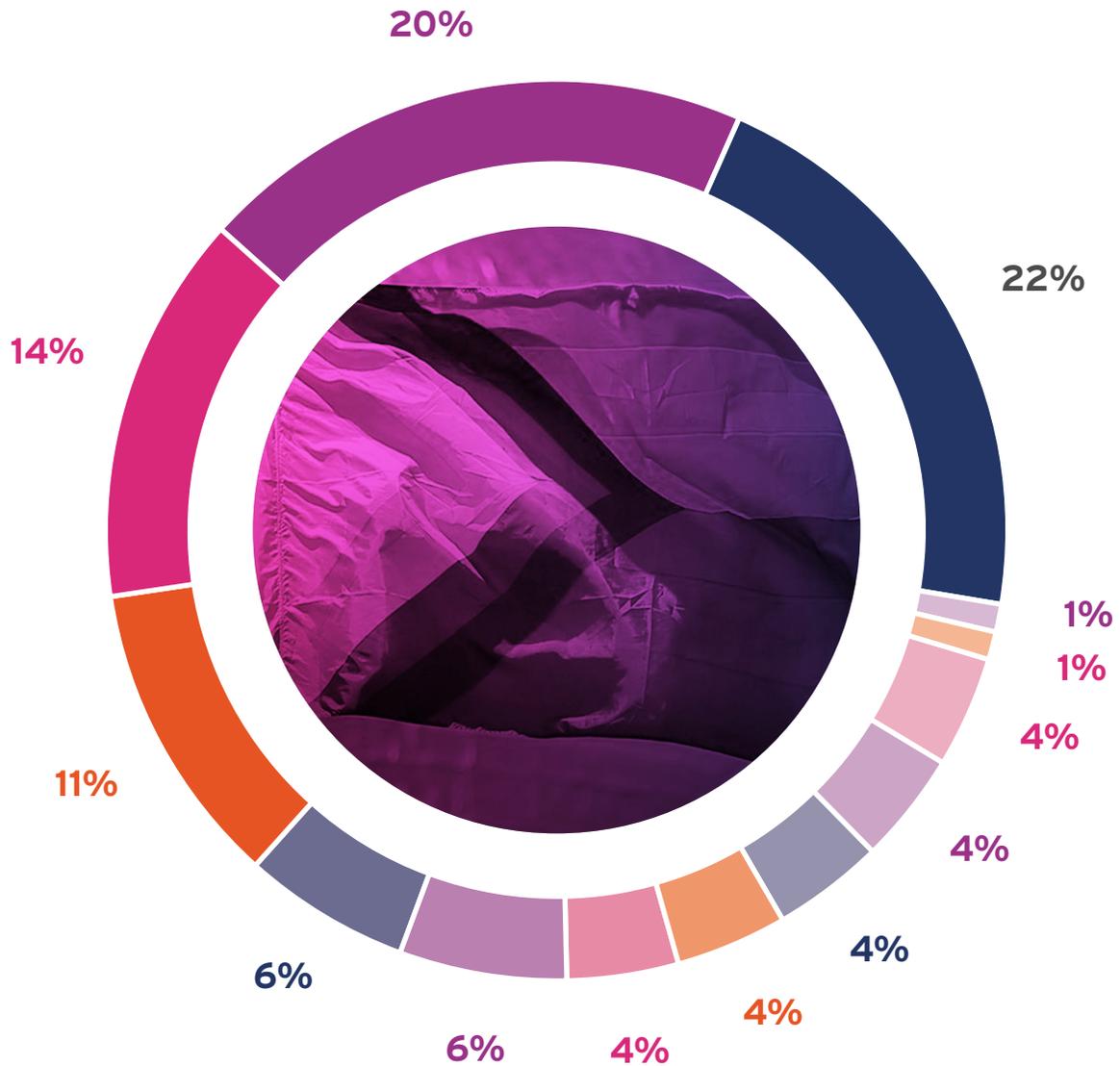
# At-A-Glance: Breakdown of Discrimination Reports

*Reports of Discrimination Based on Sexual Orientation* \_\_\_\_\_ p. 5

*Reports of Discrimination Based on Gender Identity* \_\_\_\_\_ p. 6

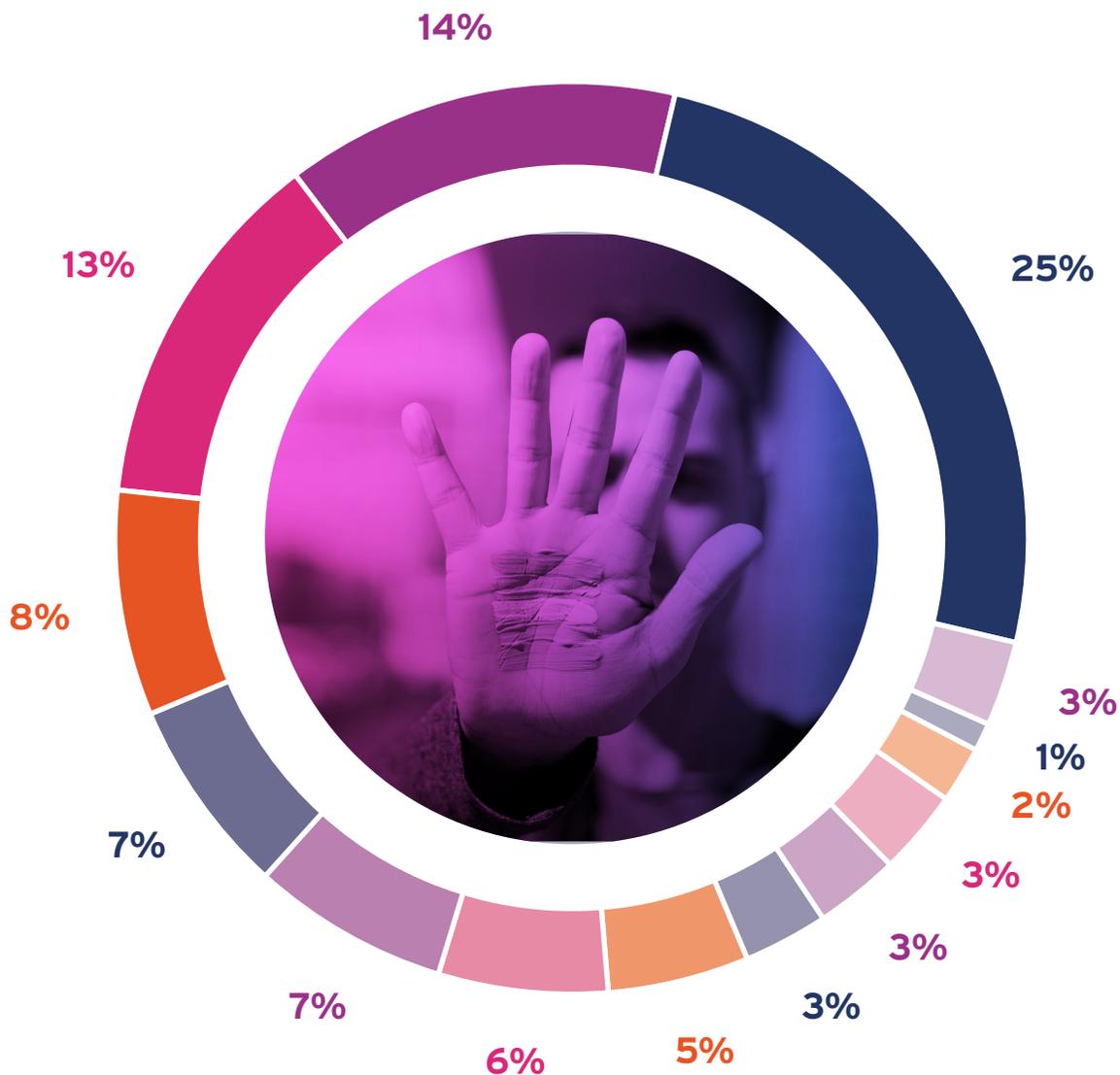
*Reports of Discrimination Based on HIV Status* \_\_\_\_\_ p. 7

# Reports of Discrimination Based on Sexual Orientation



<b>22%</b> Workplace	<b>11%</b> Parent & Child Issues	<b>4%</b> Youth in F/C
<b>20%</b> Same-Sex Relationship Issues	<b>6%</b> Immigration	<b>4%</b> Housing
<b>14%</b> Harassment & Violence	<b>6%</b> Prisons	<b>4%</b> Youth & Schools
	<b>4%</b> Criminal	<b>1%</b> Other
	<b>4%</b> Public Accommodations	<b>1%</b> Insurance

# Reports of Discrimination Based on Gender Identity



**22%** *Identity Documents*

**14%** *Workplace*

**13%** *Prisons*

**8%** *Insurance*

**7%** *Parent & Child*

**7%** *Public Accommodations*

**6%** *Youth & Schools*

**5%** *Harassment & Violence*

**3%** *Other*

**3%** *Criminal*

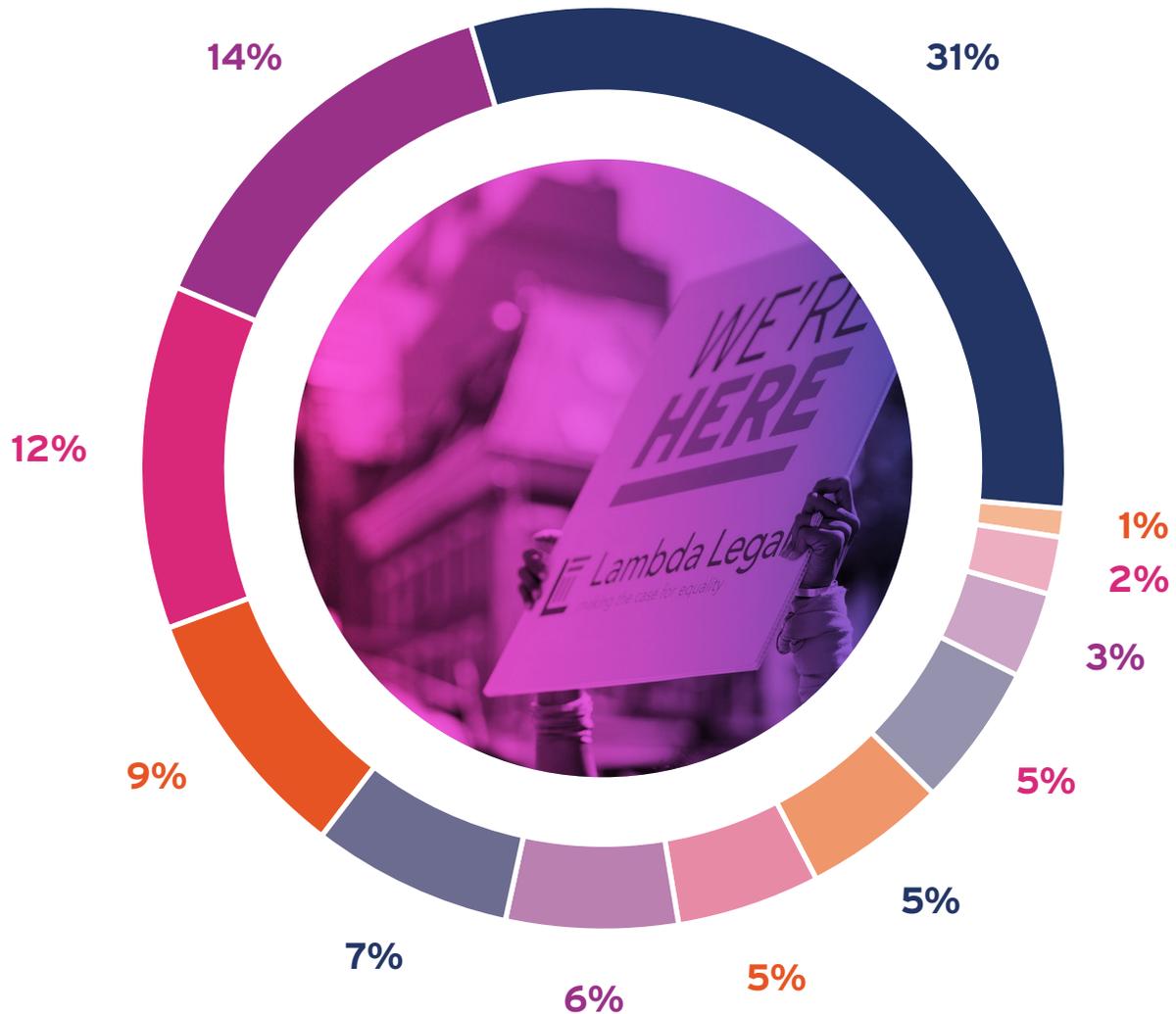
**3%** *Relationship Issues*

**2%** *Military*

**1%** *Immigration*

**3%** *Other*

# Reports of Discrimination Based on HIV Status



**31%** Workplace

**14%** Confidentiality

**12%** Prisons

**9%** Criminalization

**7%** Housing

**6%** Public Accommodations

**5%** Insurance

**5%** Treatment

**5%** Immigration

**3%** Harassment

**2%** Parent & Child

**1%** Transmission

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# The Path Forward: The Equality Act

*Discrimination and harassment faced by LGBTQ people manifests in myriad ways – from the daily hostilities LGBTQ people encounter in public life, to the many administrative and legal battles they face in accessing basic services and needs for everyday survival (like securing custody of children, obtaining basic identity documents like a driver’s license, and even accessing restrooms). Despite this, securing federal anti-discrimination protections for LGBTQ people – as offered in the Equality Act – is far from certain, as some federal lawmakers continue to withhold support, whether as a result of skepticism around the urgency of the issue or opposition to protections for LGBTQ people.*

What is certain is that the American public recognizes the prevalence of anti-LGBTQ discrimination and supports the Equality Act. The nonpartisan Public Religion Research Institute (PRRI) found that national support for the Equality Act topped 70 percent, including a majority of Republicans and Independents.

At a very basic level, the Equality Act would confirm or create LGBTQ anti-discrimination protections in areas including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service. But what isn’t articulated in the legislation – and what can’t be secured through legislative maneuver – is what the Equality Act would provide for LGBTQ people in the longer term.

The Equality Act won’t eradicate discrimination entirely. But it will represent an important step in the march toward societal progress, and in the broader cultural shift toward understanding and embracing the idea that LGBTQ people deserve to be treated with dignity in the eyes of the law. The Equality Act will create a foundation from which our nation’s most cherished values – fairness and equality for everyone – can finally be enshrined in laws, and guaranteed for all Americans.



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*More information about Lambda Legal Help Desk its work in support of the Equality Act can be found on its website at [www.LambdaLegal.org](http://www.LambdaLegal.org). More information on the Help Desk can be found by visiting [www.LambdaLegal.org/HelpDesk](http://www.LambdaLegal.org/HelpDesk).*