



(Un)believable: What We Hear and Believe when Certain Survivors Speak Out About Sexual Violence

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Moderated by **Deborah Tuerkheimer** (she/her), Professor of Law, Northwestern University School of Law;
Author, "Credible: Why We Doubt Accusers and Protect Abusers"



Jaribu Hill

- Executive Director, Mississippi Worker's Center for Human Rights



1619

Enslaved women were forced to work as house servants, mammies, cooks, and field hands subjected to sexual exploitation, experimentation, habitual beatings, rape, and other heinous acts.



#bodyasproperty

1945

Lena Baker, a Black domestic worker, lived and worked in slavery after emancipation. After resisting the brute force of her boss' advances and shooting him to death, self defense would not be an acceptable defense. For killing her rapist, she was convicted of murder and executed by the state of Georgia.



1944

Recy Taylor was kidnapped in rural Alabama, while leaving church and gang-raped by six white men. Despite the men's confessions to authorities, two grand juries subsequently declined to indict the men; no charges were ever brought against her rapists. With the help of Rosa Parks and countless other Black women and concerned community residents, Recy spoke up and fought for justice.

#skinthetaking

1985

Gloria Johnson, a courageous Black labor leader, joined with other Black and White Sanderson's Farm Poultry Plant workers to stand against sexual and racial harassment in the plant. Their dignity walk-out exposed decades of unwanted touching, sexual assaults, retaliation, and discrimination.



#metoo

2011

Because of the courage of Black and Brown Domestic workers, who put everything on the line to expose workplace abuses and indignities they suffered while trying to make a living, the plight of all domestic workers was brought to the world stage. The General Conference of the International Labour Organization, enacted The Domestic Workers Convention, 2011 (No. 189). This would bring an end to rapes on the night shift, rapes under the shelter and shade of international immunity, theft of wages, forced silence and race, class and gender oppression.



#bodyasbondage



Fatphobia & Its Impact on Survivor Credibility

Virgie Tovar, www.virgietovar.com

Some Facts:

48

the number of states where weight discrimination is legal (Michigan is the only state with a weight discrimination law; Santa Cruz, San Francisco and Washington DC also have similar laws)

5

The age by which children have internalized fatphobia in the US

\$9000

How much income fat women lose per year in income according to a 2014 Guardian article

68%

The percentage of US women who are plus-size: a size 14 & above

what is fatphobia or anti-fatness?

a socially acceptable form of bigotry against higher weight people justified through the language of health & morality.

Common fatphobic tropes:

- Sexually insatiable/available (gluttonous)
- Desperate
- Depraved
- Unlovable
- Selfish
- Gender imposter

This subhumanity lends itself to:

- Consent being “irrelevant” (e.g., “fat women should be grateful”)
- The fat woman/femme as incapable of being victimized/sexually assaulted (e.g., “no one” would want to assault her)
- The fat woman/femme being “too big” to experience pain or harm



Plus-size girls experience adultification, incl. sexual inappropriateness from adults that may make it difficult to differentiate un/healthy sexuality later in life.

Because of weight stigma, plus-size girl's/women's actions, dress and morality are judged differently, even when they're doing the same things as thin girls/women.

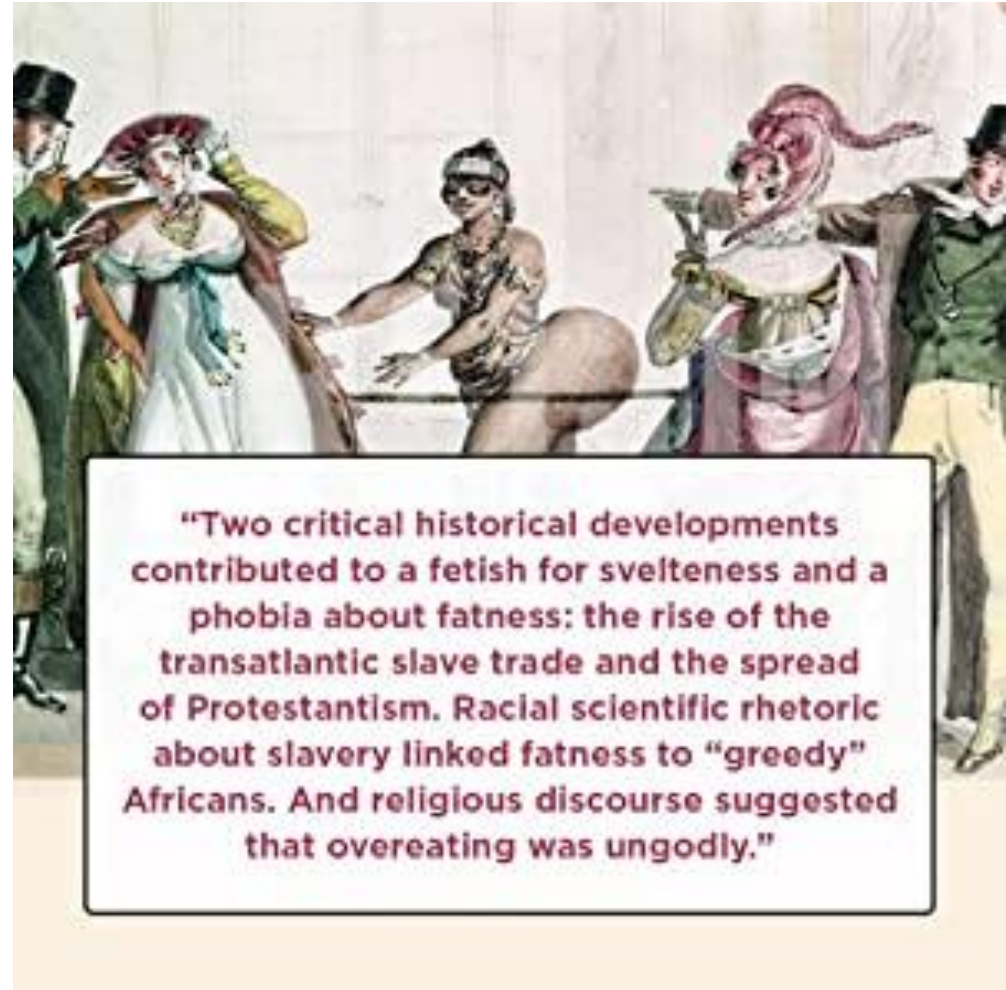
An outfit on a plus-size girl/woman may be deemed "hypersexual," "cheap" or "revealing" when the same outfit on a thin girl/woman may be deemed as "cute," "tasteful," or elicit no negative judgment.



Fatphobia/anti-fatness is gendered and racially coded.

Dr. Sabrina Strings

*From Fearing the Black
Body: The Racial
Origins of Fat Phobia*



"Two critical historical developments contributed to a fetish for svelteness and a phobia about fatness: the rise of the transatlantic slave trade and the spread of Protestantism. Racial scientific rhetoric about slavery linked fatness to "greedy" Africans. And religious discourse suggested that overeating was ungodly."

Some of the prominent thinkers who influenced current ideas about food and body were also anti-sex/anti-masturbation advocates who saw controlling food as a path to controlling sexuality. Because food and body size are seen as 1:1 linked in our culture, body size and “improper” sexuality are linked by association due to this historical context.



Fatphobia renders higher weight people as immoral and therefore less credible.

An “immoral” person is not a credible witness/victim to wrongdoing/crime in our culture.

Plus-size women may be *likelier* to be targeted and less likely to report/experience assault as assault.

Credibility is further eroded through presumptions that fat people are “out of control” and therefore can’t be trusted, e.g.,

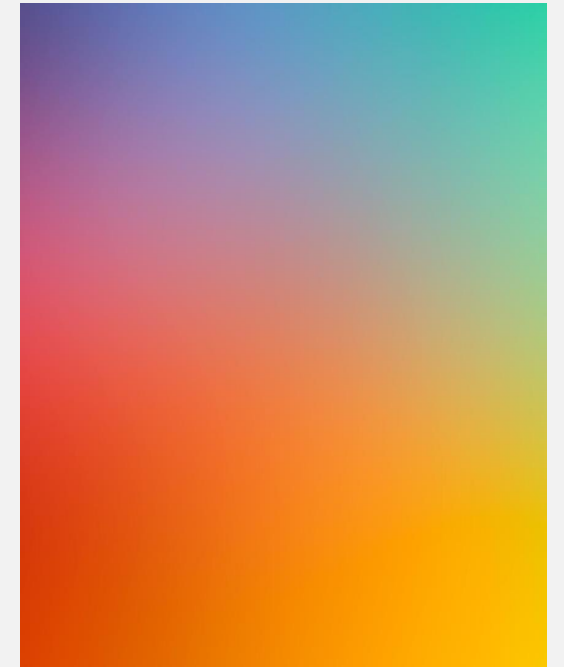
- We don’t know how to eat correctly
- We have a willpower problem
- We aren’t trying hard enough

Gender Non-Conformity & Survivor Credibility: Supporting Transgender and Non-Binary Survivors

Hunter Frank Iannucci (they/them),
The National Women's Law Center

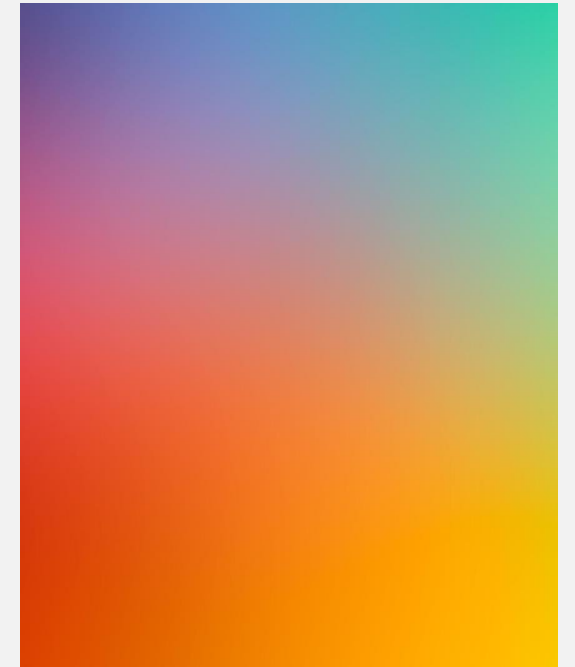
I. Basic Terms

- Gender non-conforming: ("GNC") an umbrella term used broadly to describe anyone whose gender identity does not conform to the female or male cisgender identity. The term GNC is used here to include all individuals under the transgender and non-binary umbrellas.
- Transgender: describes a person whose gender identity does not match the sex they were assigned at birth (assigned sex at birth is sometimes referred to as ASAB). It is also be an umbrella term; the "transgender community" is said to encompass all gender non-conforming identities, including non-binary people (which is another umbrella term underneath transgender that encompasses other GNC identities)
- Non-binary: an umbrella term used to describe a person whose gender identity is neither female nor male. A non-binary person can express their gender as a combination of the female and male genders; as fluid by sometimes expressing themselves as more female at times and more male at other times; or entirely outside the female/male construction of gender.
- AFAB: assigned female at birth/AMAB: assigned male at birth
 - ASAB: both AFAB and AMAB refer to the sex a person is assigned at birth based on biological sex characteristics; it is not the same as a person's gender identity

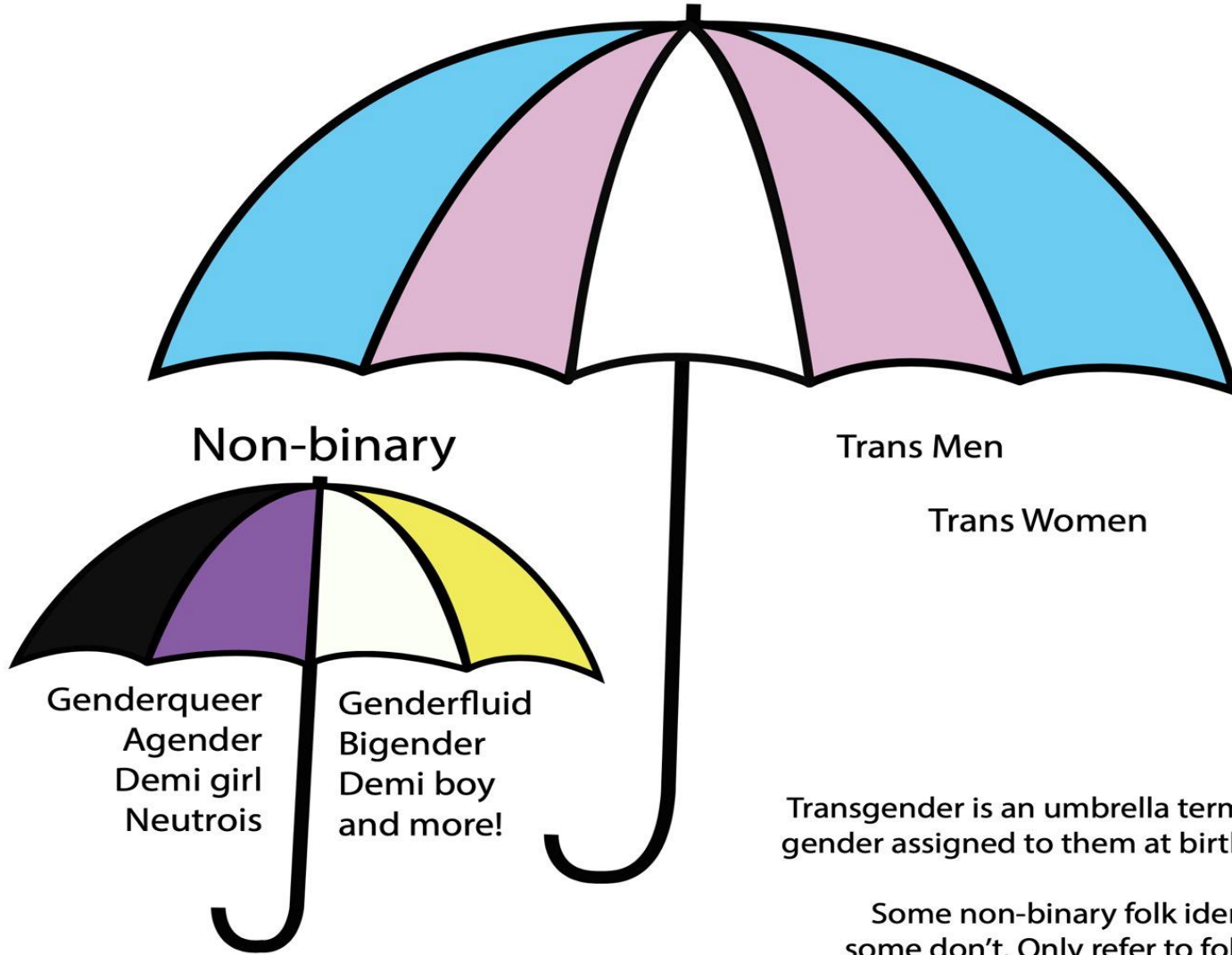


I. Basic Terms

- Gender identity: an individual's innate sense of being male, female, or another gender, which may not match a person's ASAB
- Gender expression: refers to the way a person expresses gender identity through dress, mannerisms, and other characteristics (pronouns and name)
- Transgender woman: a woman who was AMAB, who identifies and expresses herself as a woman
- Transgender man: a man who was AMAF, who identifies as a man, & expresses himself as a man
 - Note that transgender women and men may or may not elect to "transition" (a process during which a transgender person begins to live as their true gender, which can include: changing dress and outward appearance; using a different pronoun or name; changes to legal documents; hormone therapy; or gender-affirming surgeries). Not all transgender people will transition, so do not make assumptions about a person's gender identity and be prepared to affirm the identity of all transgender individuals regardless of whether they transition
- Cisgender: refers to people whose gender identity is the same as their ASAB



Transgender



Non-binary

Genderqueer
Agender
Demi girl
Neutrois

Genderfluid
Bigender
Demi boy
and more!

Trans Men

Trans Women

Cisgender



Cis Men

Cis Women

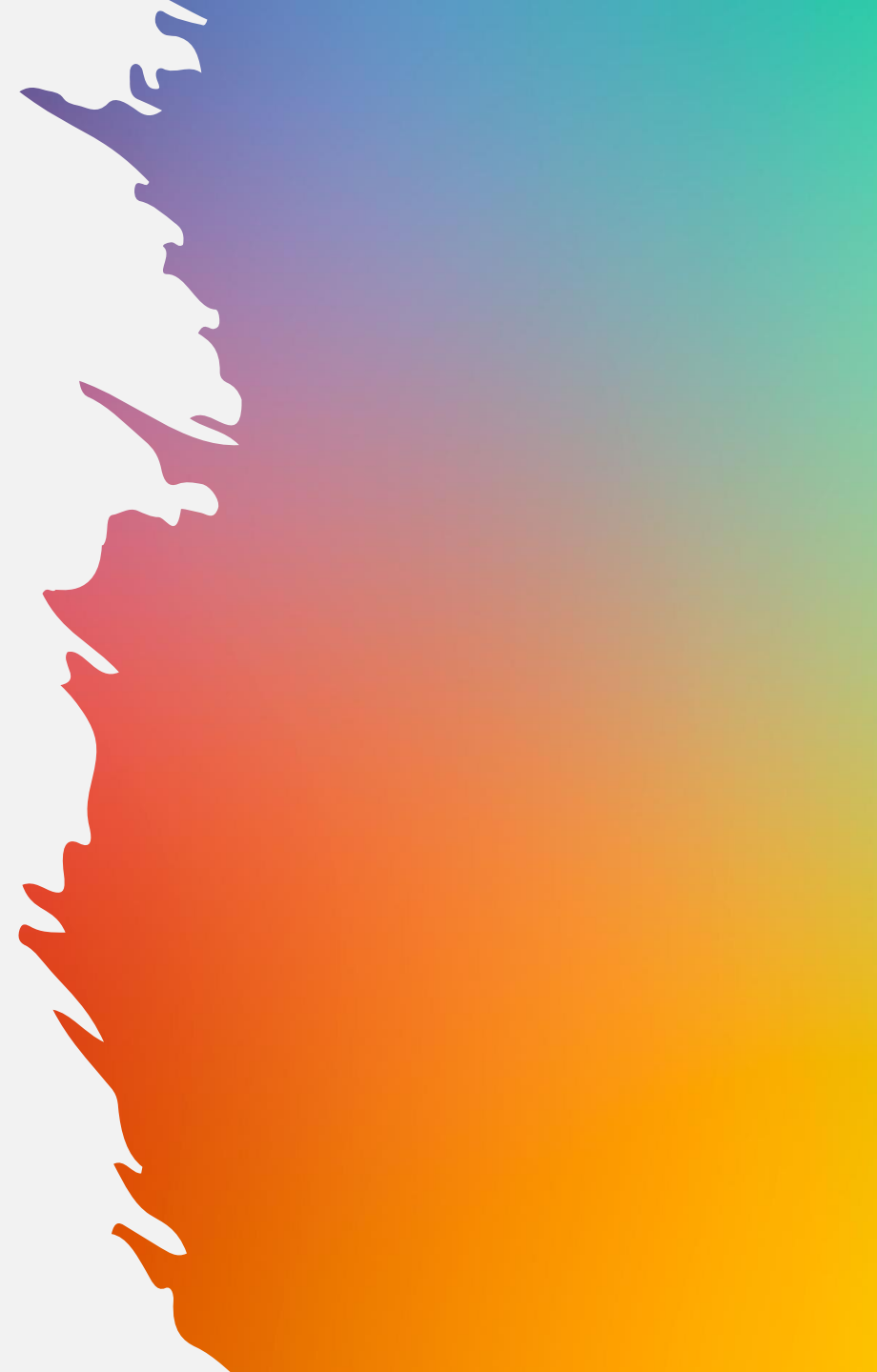
Transgender is an umbrella term for those who do not identify with the gender assigned to them at birth. In other words, anyone not cisgender.

Some non-binary folk identify as both nonbinary and trans, some don't. Only refer to folk by terms they use for themselves.

While some transgender people are non-binary, many transgender people have a gender identity that is either male or female, and should be treated like any other man or woman.

II. Stereotypes

- LGBTQ+ individuals are stereotyped as "hypersexual, deviant, and immoral," as well as "attention-seeking." The result is that they are less likely to be believed when they come forward, and will be frequently blamed for their own victimization
- Be aware that sexual harassment is frequently spoken about from the perspective of "women and girls," which can feel invalidating to all LGBTQ+ survivors, but especially GNC survivors
 - The narrative that "men harm women" excludes GNC survivors and gives rise to the stereotype that GNC survivors do not deserve protection because they do not fit the ideal of what a female-presenting victim looks like



II. Stereotypes, continued

- Further, trans women are frequently stereotyped as "aggressive," trans men are stereotyped as "confused and infantile," and non-binary people often face the stereotype they "do not exist" and they are merely looking for attention
- Be aware of the intersectionality of stereotypes!
 - These stereotypes are compounded when a GNC person occupies multiple marginalized identities—e.g., a Black trans woman will not only have to contend with stereotypes associated with transness, but stereotypes associated with Black women



The impact of these stereotypes?

These will impact the degree of trust in the attorney-client relationship; a GNC person is coming to you for representation, and may be coming to that relationship already feeling invalidated.

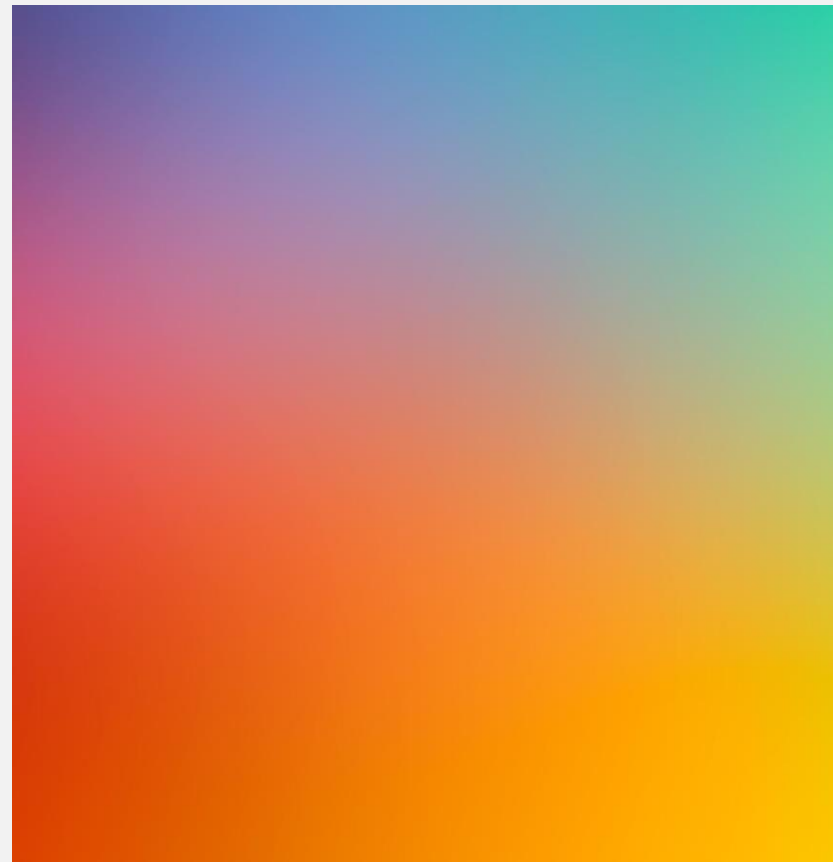
Because of this, we as legal professionals must be prepared to counter the effect of these stereotypes.

III. Implementing Basic Principles

This presentation cannot teach you everything you need to know about representing GNC survivors; it is merely an introduction to becoming a better and more supportive advocate. There are two things you should takeaway:

(1) Your guiding principles should be **respect and validation**. If you encounter an issue you aren't sure how to handle, say: "Thank you for sharing that with me. What can I do here to make you feel respected, validated, and supported?"

(2) While your client is likely an expert in these issues, do not expect them to educate you. The journey to becoming a better advocate for GNC survivors is an ongoing learning process, so **educate yourself**. As an attorney, you are expected to keep abreast with developments in the law surrounding Title IX issues, so apply the same principle to continuous education surrounding GNC issues.



III. Implementing Basic Principles: Respect and Validation of Your GNC Client

At the heart of these stereotypes is the assumption that GNC people's identity is invalid and non-existent, so your **first priority** should be making them feeling comfortable by **respecting and validating their identity**.

Your client will be an expert on the hurdles GNC face, and you might be unaware of those hurdles, so validate and affirm that your client is smart, aware, and resilient and let them know you will follow their lead. To that end, **mirror their language** when it comes to deciding what language is most affirming to them.

III. Implementing Basic Principles: Language

Language is a major component of validating GNC people.

Pronouns:

- Ask for a client's "**pronouns**" (do not say "*preferred* pronouns;" they are not a "preference"); make sure to offer yours!

Honorifics:

- Mr./Mrs./Ms./Mx. ("mix"; the gender-neutral honorific)--make sure you ask what honorific your client would like you to use

When asking for a GNC client's name, ask for their "**chosen name**" (remember, do not say "*preferred* name," this is not a "preference"):

- This can come up in the context of completing legal documents. Often using a client's legal name (also known as "deadnaming" a person) can be traumatizing. If it is absolutely necessary to use a client's legal name, an option that validates and respects their identity is to write down their legal name, point to it, and ask, "is this the correct spelling of your legal name?"

III. Implementing Basic Principles: Make a Plan

Be prepared for situations that may arise in the course of your representation of your GNC client that could be potentially invalidating to them—**make a plan**.

- E.g., intake forms—can clients include their chosen name, honorific, & pronouns?
- E.g., are staff in your office trained to respect and ask for a client's pronouns?
- E.g., have you asked your client what their biggest concerns?
 - The opposing counsel misgendering them,
 - The judge misgendering them,
 - Court documents
- E.g., are you prepared to handle the issue of a court honoring your client's identity?
 - Informing a court of a client's pronouns and honorifics
 - Addressing the issue as it arises, or later—what is your client's preference?

The bottom line: **work together with your client to create a plan**. Consult your client early on in the representation about what their concerns are and what their preferences are so they know you are cognizant and respectful of their lived experiences with discrimination.

Some Resources to Get You Started

Understanding gender identity and relevant terms:

- <https://genderspectrum.org/articles/understanding-gender>
- <https://transequality.org/issues/resources/understanding-non-binary-people-how-to-be-respectful-and-supportive>
- [When \(& How\) to Ask About Pronouns: | by Devon Price | Medium](#)

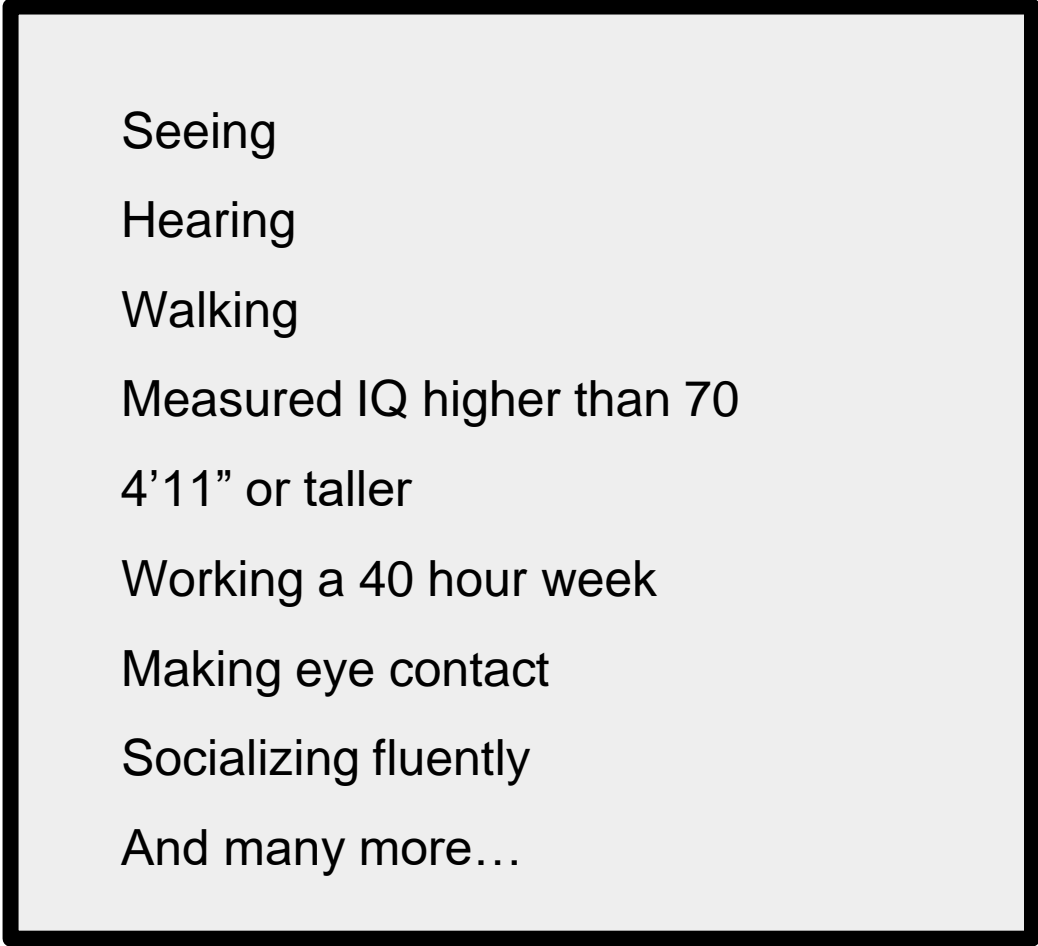
Understanding the landscape of discrimination GNC people face (with a focus on the intersectionality of discrimination experienced by transgender and non-binary people of color):

- [NTDS_Report.pdf \(transequality.org\)](#)



What is disability?

The “normal” ability box



Drawing pictures well

Riding a bike

Working to create
a just society

Perfect pitch

When are disabilities “visible” or “apparent”?

- “Passing” vs. “being passed off” - Mel Baggs

What is ableism?

- “You do not have to be disabled to experience ableism.” - TL Lewis
- Someone can be ableist against you without knowing you are disabled

Disabled people are more likely than non-disabled people to be victims of violence, abuse, and neglect.

- NPR's "Abused and Betrayed" series

Reports of abuse of a disabled person are often

- Explained away or excused
- Not investigated
- Not believed

Disabled people can face discrimination when reporting abuse and violence whether or not our disabilities are “apparent” or disclosed.