



February 10, 2021

Dear Chair Power, Vice-Chair Wallan, and members of the committee,

My name is Nancy Haque, my pronouns are she/hers, and I'm the Executive Director of Basic Rights Oregon. We are Oregon's LGBTQ advocacy organization, working towards equality through legislation and community outreach.

I'm here today to speak with you in support of our priority legislation, House Bill 3041, which will clarify existing anti-discrimination protections based on gender identity throughout statute.

When the Oregon Equality Act passed with bipartisan support in 2007, it provided landmark anti-discrimination protections based on sexual orientation and gender identity in housing, employment, and other places of public accommodation throughout the state, recognizing that no one in Oregon should face discrimination because of who they are or who they love.

The protections based on gender identity however, were included under the statutory definition of "sexual orientation." This has led to some confusion and, unfortunately, the lack of clarity has proved to be incredibly detrimental to our community.

As we testified during the hearings for the Larnell Bruce Hate Crimes Bill, we know of at least one case involving a hate crime that did not go forward because gender identity was not clarified in statute. It's painful and quite scary to think of other cases that may have been impacted because general definitions of Oregon law were not updated and fully clarified.

The need for an update was apparent in 2019 when the Attorney General's Hate Crimes Task Force championed SB 577, which clarified gender identity in the hate crimes statute.

And we've seen the impact of this clarification. In 2020, as a result of this legislation, the Bias Response Hotline showed that 19% of people reporting hate crimes in Oregon identified as transgender or genderqueer.<sup>1</sup>

It's an alarming statistic, but it shows that clarifying gender identity in statute is important so we can have a full understanding of our community's experiences based on how they identify.

In addition to this clarification, the bill also removes some outdated language that was added to statute some time ago that is inconsistent with current constitutional law. We have worked with the Department of Justice to ensure there are no unintended consequences from removing this defunct language.

HB 3041 does not create any new, substantive legal protections since gender identity was already protected under the 2007 Oregon Equality Act. This bill is a simple but impactful act of clarity that's important for supporting and protecting our LGBTQ community.

Today, I urge you to support this legislation.

Thank you for your time and consideration.

-Nancy Haque

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<sup>1</sup> Portland United Against Hate Quarterly Update 2020:  
<https://www.portlandunitedagainsthate.org/reportarchive>