

OUTLine NZ & GenderBridge Joint UPR Submission

New Zealand – May 2009

Organisation Summary

OUTLine New Zealand Inc.

0800 688 5463

www.outlinenz.com/chat

www.outlinenz.com

OUTLine NZ provides a professional, free, national, and confidential telephone and online chat service offering information, support, counselling, referral and training services to New Zealand's Gay, Lesbian, Bisexual, Transgender and Takataapui (GLBTT) communities and their family and friends. OUTLine NZ is based in Auckland and has been active since 1972, making it one of the oldest and trusted gay organisations in New Zealand. We offer help with many kinds of issues like coming out, sexual orientation, immigration, or just a friendly ear for those who feel lonely or depressed. We also take calls for New Zealand AIDS Foundation hotline and GenderBridge.

GenderBridge Inc.

0800 844 357

www.genderbridge.com

GenderBridge is an incorporated society based in the Auckland area to provide support for gender variant and transgender people, their friends & family. We supply information on transgender issues to individuals and organisations via our 0800 phone service as well as run a monthly support group. GenderBridge also maintain a catalogue of books and many of our members have been involved in documentaries, facilitated discussions and wider community health and human rights seminars. GenderBridge also has been very involved in the Auckland All Trans Forum group building greater alliances with other transgender organisations in the area.

Executive Summary

Firstly we would like to acknowledge that the New Zealand Government has made progress over the last four years in terms of its commitment to meeting the international human rights standards in relation to the GLBTT community of New Zealand. We acknowledge that the Civil Union Act and Prostitution Law Reform Act are significant steps in enabling our civil and political rights. There has been an improvement in the media portrayal of the GLBTT community with an increasing number of gay, lesbian, bi-sexual, transgendered role models employed in senior management and government roles.

Conversely, we note that there is more that needs to be done. The Human Rights Commission Inquiry into Discrimination Experienced by Transgender People is a great report and needs now to be translated into action. The Adoption Law needs to be reformed to allow same-sex couples to adopt children. Also more needs to be done for our burgeoning youth culture in schools. There are still high levels of bullying and

homophobia within our school system. The GLBTT community in New Zealand has higher levels of harassment, violence and suicide than our heterosexual counterparts. A government campaign that promotes acceptance and respect towards the GLBTT community is greatly needed.

Access to information

One of the main cross cutting issues that face our community is the lack of readily accessible information. For example many people in our community are not aware of their rights in terms of the legal system. While there have been significant legal changes in terms of equal rights in terms of employment, yet many people do not understand that it is illegal to 'out' somebody in the workplace. This lack of information on both sides (ie within our community and by the general public) needs to be addressed. The point that we would like to highlight here is that there needs to be more information specifically targeting our GLBTT community but also aimed at the general public to further increase their awareness. It is with campaigns that promote equality and better understanding and acceptance that discrimination, bullying and the high levels of suicide will be decreased.

Youth

The needs of queer youth include, counselling, mentorship, family support, educational support, peer support and health care. The pressure to conform and develop as a 'normal' male or female person often pushes many boundaries for youth in general let alone if you are questioning the way you were born to the way your body feels or is operating. In particular transgender youth are often seen as 'different', but their greatest need is to be regarded as a regular individual.

With this in mind our queer youth will face personal barriers that effect their education which in the long term can hinder their future stability. Discrimination within their family as well as amongst their peers leaves many of our youth lonely and isolated leading to depression and suicide. Minimal understanding or awareness of their needs from their educational institutions leads to apathy and a lack of incentive to continue with their education or career. This situation is even more prevalent amongst our transgender youth.

Some of the everyday issues a transgender youth may face include:

Having their birth names used in public, the inability to dress in their preferred gender in public, access to preferred public, work or school bathroom facilities, and access to preferred change room facilities at schools, in gyms or sports clubs, school policies that don't allow for transgender students identities and rights to be respected, access to play in their preferred gender sports sides, disrespectful and insensitive attitudes from health care providers, barriers to meeting other trans youth, violence or bullying, unnecessary disclosure of personal information and being disowned by family or loved ones.

Amongst the transgender community there are a few organisations to assist in building greater awareness, many of these organisations are NGOs and most of the people developing these resources are volunteers.

All the GLBTT youth organisations that we have come across in New Zealand are conscious of the needs that transgender youth have to face. We feel the major gap for transgender and queer youth is resources aimed at them and awareness training within schools, universities, for families and the health sector. Finding a way to fund these activities and funding trained people to administer these tasks is essential in meeting transgender and queer youth's needs and effecting greater progress in these areas.

Over time, hopefully, transgender NGOs may improve their ability to seek funding through a concerted effort to build stronger alliances and the funding bodies developing more awareness of transgender youths needs, but that will not stop the barriers that transgender youth face today.

Mental health issues such as, suicide and depression within the GLBTT community are far too common, particularly amongst our transgender youth. The need for mentors in our everyday lives is just as important as well as the heroes and heroines who we see in the media.

Health

GLBTT people's opinion on the current health care options varies greatly depending on the availability of health professionals in the local District Health Boards (DHB), their income, or their health needs.

Organisations like the New Zealand AIDS Foundation and Body Positive have been strong in voicing their needs for lobbying for the rights of men who have sex with men. This is evident around issues of confidentiality regarding HIV positive people. However, men who have sex with men are unable to donate blood even if they have regularly been tested for HIV.

Many transgendered people have found the need to educate their health care providers in order to get a sufficient level of care and others have decided to travel overseas to get access to what they feel are more experienced surgeons. Most of these issues are clearly outlined in the Human Rights Commission (HRC) Report 'To be Who I Am', and there has already been some discussion between the Transgender community and some key health care providers who already work in the sector, so parts of this issue are in process.

What we will reiterate is the distinct need for the following areas of focus;

- Education within the transgender community of health care that is essential re; hormone maintenance
- Transgender becoming a part of medical curriculum
- Some necessary surgical procedures to be covered through the DHBs for low income earners
- Dependent on income affordable counselling provided with awareness of transgender issues.
- Consistent standards of care for transgender people intent on hormone treatment between all DHBs

- Policies to maintain privacy for transgender patients
- Education and training for all health providers

Other areas of particular focus for the transgender, and in fact the wider GLBTT community, are harassment, domestic violence and suicide. Many GLBTT people experience discriminatory behaviour and this often leads to many emotional and stress related health problems and unfortunately this also leads to isolation and a high rate of suicide.

There has been considerable media campaigning in New Zealand around domestic violence through the 'It's not OK!' campaign. We strongly believe that there is need for the government to fund GLBTT targeted domestic violence campaigns. It is encouraging that there are a number of researchers looking into this area.

Civil Unions

While some in the GLBTT community have welcomed the introduction of civil unions in New Zealand, the reality is that civil unions are not equal to marriage. The introduction of civil unions in New Zealand has led to duplication, confusion and red tape, particularly for our transgendered community.

Civil Unions have not created equality in the area of parenting. A (heterosexual or homosexual) couple in a de-facto relationship or civil union couple can not adopt a child. A single person – including gays and lesbians – can adopt, but the other partner then has to become a legal guardian.

Another unequal and unjust law is that a lesbian couple who have a child through artificial insemination can have both mothers listed on the child's birth certificate. However if that same lesbian couple chose the more common and more economical option of finding a donor, they can not have both of their names on the birth certificate. This kind of value based law is discriminatory.

Another area where the duplicity of civil unions is apparent is when a transgendered person wants to legally change their gender on their birth certificate. If the person is married then their marriage must be annulled and then if the couple choose they can pay the appropriate fees and have a civil union. This situation has been made unnecessarily bureaucratic.

Discrimination

The three main areas where transgender people face discrimination are Health, Welfare and Education/Employment.

In regards to Employment the department of Labour recently issued new fact sheets for an employer and an employee, which is a step towards greater awareness. Transgender people often face great difficulty getting employment due to the disclosure of past work history, police checks or IRD information not being congruent with their preferred gender as well as discomfort the employer may feel towards them. Within educational institutions policies need to be developed to accommodate transgender students of any age. The New Zealand Curriculum needs to be more inclusive and intentional of sexualities and gender neutral. Sex education needs to

cover various gender identity issues and sexuality issues. For transgender youth schools need to become safer places to be in, bullying is a major problem for gender variant students.

Access to affordable housing, going through the process of applying for benefits can be daunting for a transgender person and these areas are constantly conflicting with each individuals previous history, many scenarios can culminate in a person feeling or being discriminated against. Further policy needs to be implemented to enable welfare organisations to accommodate transgender clients.

It must also be noted that many GLBTT people manage many of these tasks themselves, often facing this discrimination daily and they may not be fully aware that discrimination is a barrier to them. Many people persist or move away from family who may be there only support and become more and more isolated due to discrimination that affects some of their day to day needs.

Prison and the Department of Corrections

OUTLine NZ and Genderbridge recognises and gives thanks to our local diversity liaison officers (DLO) who support our community. The effort made by NZ Police to be at GLBTT events such as the Big Gay Out in Auckland is appreciated as these events are safe and we, as a community, can gather with little fear or apprehension.

The Department of Corrections policies for transgender inmates are explained in the HRC Report “To Be Who I Am”, the main issue for most transgender people is the recognition of their preferred gender. Full sex reassignment is a requirement if the individual needs to be placed in their preferred gender prison. Often full gender reassignment is not an attainable goal for an individual, and should not be an indicator of their gender identity. Therefore transgender inmates are placed in unsafe circumstances within the prison system.

Many GLBTT people who are in the prison system or have been in the prison system experience sexual and physical abuse as well as extreme discrimination from other inmates.