

Stakeholder Engagement Meeting Notes

Sexual orientation, gender identity, and sex characteristics (SOGISC) consultation



Date & location:	Tuesday, 13 February 2018 Potters Park Events Centre, Mt Eden, Auckland
International convention engagement relates to:	Universal Periodic Review (UPR)
Documents referenced:	<ul style="list-style-type: none">• Human Rights Commission international reporting website• New Zealand's National Plan of Action website• Past UPR reports for New Zealand are available here• Submission from SOGII UPR Coalition 2013
Attendance:	36 individuals including representatives from First Union, Inside Out, ITANZ, Silver Rainbow, Kāhui Tū Kaha, Amnesty International NZ, Public Health Association, Mental Health Foundation, AUT, NZ Trans Guys, Waitematā DHB, and Auckland DHB

1. Background to meeting:

1. In January and February 2019, New Zealand will be reviewed during the third cycle of the Universal Periodic Review (UPR).
2. Individuals and groups can make submissions to the Universal Periodic Review, before the deadline of 21 June 2018.
3. On 13 February 2018, the Human Rights Commission (Commission) held a consultation meeting with stakeholders from the SOGISC community to inform its report to the UN Human Rights Council for the Universal Periodic Review.
4. The Commission also provided information to attendees regarding how to make their own submission to the United Nations and provided attendees the tools to do so.
5. 36 people attended the consultation, which was held during Auckland's annual Pride Festival.
6. The minutes from the meeting are provided below.

2. Main issues raised:

- 1) The HRC identified six key issues prior to the consultation for discussion:
 - i) Healthcare
 - ii) Education
 - iii) Employment
 - iv) Housing
 - v) Data
 - vi) Violence and abuse
- 2) Participants prioritised the three top human rights issues as:
 - i) Healthcare
 - ii) Education
 - iii) Immigration

3. Meeting notes:

1. Healthcare

- a) Medical and health professionals are not educated during tertiary study on the health needs of SOGISC communities
- b) Current healthcare provisions do not holistically address all the needs of SOGISC communities
- c) Trans and gender diverse people misgendered when accessing health services
- d) There is a lack of funding for gender-affirming healthcare in New Zealand
- e) The bodily autonomy of intersex people
 - i. Decisions made about intersex bodies without informed consent
- f) There is a lack of acknowledgement that historical harm was done by the medical profession against the SOGISC community
- g) The outdated, harmful, and problematic medical model is used in some places rather than the informed consent model
- h) There is a need for more educational resources on suicide prevention
- i) The system is failing young people who do not have adequate mental health support
- j) There is a lack of understanding and concern regarding the needs of Silver Rainbow members by providers in aged care facilities

Recommendations

- k) Provide comprehensive education to medical and health professionals at tertiary level so that they are culturally competent in all interactions with gender and sexual minorities
- l) Continue to engage with trans and intersex people to develop gender-affirming health pathways based on informed consent and bodily integrity
- m) Increase funding for all aspects of gender-affirming healthcare
- n) Fund medical reparations for intersex people who were surgically or otherwise altered, as a form of retrospective justice
- o) Apologise or otherwise publicly acknowledge the harm caused by the medical profession in the past
- p) Provide pathways to access publicly-funded gender reassignment surgery regardless of financial circumstances
- q) Address gaps in the provision of services to provide consistency in healthcare for trans people
- r) Ensure only the informed consent model is used when providing healthcare
- s) Remove barriers to allow for intersectional identities to be understood, acknowledged and affirmed, including those of indigenous and disabled SOGISC people
- t) Increase mental health support offered in schools, DHBs, and primary health services
- u) Mandate rainbow training for all aged care facilities

2) Refugees and immigrants

- a) Discrimination based on immigration status due to the lack of legislated protection within the Human Rights Act
- b) Misconceptions on the rights of asylum seekers vs. refugees and migrants
- c) SOGISC refugees and asylum seekers
- d) International context for SOGISC people is often ignored by our politicians and representatives
- e) Asylum seekers from certain countries lack documentation that reflects their correct gender identity

Recommendations

- f) Amend the Human Rights Act 1993 to include immigration status as a prohibited ground of discrimination
 - i. Including the right to legal gender recognition and the right to work
 - ii. With a focus on asylum seekers, refugees, stateless people, new migrants and permanent residents who are not citizens
- g) Create a "Rainbow Highway" to fast-track SOGISC immigration issues
- h) Implement a Rainbow ID for those with no other documents which reflects their self-defined sex, gender, and pronouns
- i) Provide a SOGISC allocation within the general refugee quota
- j) Address gaps between immigration, employment, and marriage of same-sex international couples
- k) Publicly advocate greater concern for SOGISC communities on the world stage by:
 - i. Contributing to international alliances to provide protection for SOGISC around the world
 - ii. Educating to increase awareness about anti-SOGISC laws in other jurisdictions
 - iii. Providing financial assistance towards international projects

3) Resources and education

- a) Everyone has the right to education. As soon as children can understand, they also have the right to learn
- b) Young people need age-appropriate access to accurate information about gender and sexual diversity, at all levels from primary school onwards
 - i. The Ministry of Education's Sexuality Education Guidelines are excellent but they are not mandatory
- c) Teachers to be upskilled in issues affecting SOGISC students
- d) Homophobia in schools - slurs like 'that's so gay'
- e) Parents often don't have the skills and information to support children who are part of the SOGISC communities

Recommendations

- f) Ensure culturally relevant and age-appropriate education on SOGISC issues is provided to all students from primary school age onwards, especially at rural schools and in alternative education
- g) Implement the Ministry of Education's Sexuality Education Guidelines as part of the Health curriculum across all schools in New Zealand
- h) Mandate basic training for all teachers on SOGISC issues
 - i. Provide further in-depth training to teachers who deliver the curriculum
- i) Provide safe physical and social spaces for SOGISC students within schools and tertiary institutions
- j) Reduce homo- and transphobia in schools through partnering with staff, teachers and students
- k) Train all school and organisational leaders including boards of trustees, senior staff, and administrators on issues affecting SOGISC students

4) Data collection

- a) Data informs so many areas of life and society, including areas for SOGISC people
- b) The absence of data collection is a huge issue. Lack of data is consistently used against SOGISC communities

- c) Statistical evidence is needed to argue a case for change and conduct an impact assessment

Recommendations

- d) Require Statistics New Zealand to collect detailed, accurate, inclusive and intersectional data on the self-identities of sex, gender and sexually diverse people, in consultation with those communities, the Human Rights Commission and other experts, including in the 2023 census, NZ Health Survey and other key surveys
- e) Ensure this information is used to inform state responses including, but not restricted to, diversity training for professionals in the education, health and justice sectors and the development and funding of resources and services for our communities
- f) Establish working groups and run trial surveys to test questions
- g) Publish explanations on the importance of collecting these data in surveys so that people participate fully and without reservation

5) Transgender prisoners

- a) Prisoners who identify as transgender face multiple barriers while incarcerated
- b) Adequate access to healthcare for prisoners is a concern for those supporting prisoners from the outside
- c) Misgendering of prisoners occurs from prison staff

Recommendations

- d) Mandate diversity training for all Corrections staff, including around management of trans prisoners
- e) Provide competent, gender-affirming healthcare for trans prisoners
- f) Ensure trans prisoners are provided with regular access to their medication, including hormones
- g) Improve data collection of transgender inmates
- h) Enable regular access to a therapist that understands the nuanced needs of transgender prisoners
- i) Allow for the creation of trans support groups within prison
- j) Ensure correct use of a prisoner's pronouns regardless of the sex reflected on their birth certificate

6) Employment

- a) It can be very difficult to prove discrimination in employment on the basis of sexual orientation or gender identity
- b) Want to see a rainbow Government standard such as the Rainbow Tick be made mandatory
- c) Need to encourage and acknowledge good employers too

Recommendations

- d) Mandate a Government standard such as the Rainbow Tick for all publicly funded institutions
- e) Publicly acknowledge good employers
- f) Implement a "Trans-Positive" tick

7) Legislated protections

- a) Intersex, trans, and gender diverse people are not explicitly covered in the Human Rights Act 1993 (HRA)
- b) While the Commission has interpreted the HRA to include discrimination on the basis of gender identity under the grounds of sex discrimination since February 2005, trans people have made it clear that they do not feel protected by this

Recommendations

- c) Amend section 21 of the HRA to include “gender identity, gender expression, and sex characteristics”

8) Documentation

- a) The process to change sex markers on NZ birth certificates is out of step with both international good practice and current domestic processes for other official documents
- b) Policies for changing sex markers on passport and drivers licenses focus solely on the individual's self-determination of gender, with no medical or surgical treatment required
- c) For intersex, trans and other gender diverse adults to change sex details on a birth certificate, it is a lengthy, costly process, containing multiple barriers including those of a financial, legal and medical nature

Recommendations

- d) Simplify the process for changing sex markers on NZ birth certificates, removing any requirement to undergo or intend to undergo medical or surgical procedures as a prerequisite, based solely on the individual's self-identification, and without the need to resort to a court process
- e) Create a rainbow drivers license or ID waiver

9) Minorities with SOGISC communities (intersectionality)

- a) Lateral violence against ethnic minorities within the SOGISC community
- b) Rights of indigenous takatāpui are ignored
- c) White-washed media representation does not reflect the true diversity of the New Zealand SOGISC community
- d) International rainbow community are marginalised
- e) Religious ostracism from within the community
- f) Mental health issues faced by people who are from multiple minorities

Recommendations

- g) Provide protection for intersectional minorities within the SOGISC community
- h) Increase diversity in media representations of the New Zealand SOGISC community

10) Policy coherence

- a) Inconsistency seen in laws and policies across agencies
- b) Gaps in Government handling of information

Recommendations

- c) Align laws and policies between Government agencies and departments as they relate to SOGISC communities
- d) Improve coordination across Government of handling of individual and SOGISC information
- e) Identify and prioritise SOGISC communities at all levels of public policy