

Relentlessly Proud: Labour's Rainbow Policies

From Homosexual Law Reform to Civil Unions and Marriage Equality, Labour have long been relentlessly proud, standing with our Rainbow communities and fighting for equity and justice. We will continue to do this, creating a more inclusive New Zealand.

Labour will:

- **Ban conversion therapy**
- **Provide better access, support and treatment through our health system**
- **Improve the wellbeing of the Rainbow community, including more funding for mental health services**
- **Create more inclusive school and work environments**
- **Reduce discrimination and ensure equal rights for the Rainbow community**

Labour is committed to upholding the right of every person to express their sexual orientation or gender identity without interference or oppression from others. All New Zealanders deserve to live free of persecution for their sexual orientation or gender identity. Labour will support Rainbow communities by implementing policies that will reduce discrimination and improve wellbeing.

On top of that, we will represent the Rainbow community. With Labour in Government in 2020, New Zealand could see the most Rainbow parliament in the world. Labour's Rainbow caucus will continue to advocate and make real change for the community.

This will build on Labour's history of progressing Rainbow rights

Labour has a strong track record of fighting for equal rights for the Rainbow community.

Labour MP Fran Wilde introduced the Homosexual Law Reform Bill in 1985 to legalise homosexuality, which became law in 1986. The Civil Union Act passed in 2004 under a Labour Government. In 2012, Labour MP Louisa Wall's Marriage Equality Bill passed which legalised same sex marriage in New Zealand.

In our first term, Labour has already:

- Implemented the homosexual convictions expungement scheme and wiped unjust historical convictions
- Started the Rainbow Wellbeing Legacy Fund to provide financial support to organisations that improve mental health and wellbeing in Rainbow communities
- Put an extra \$2.992 million towards the gender affirming genital surgery service to enable up to 14 surgeries per year
- Lifted the cap on gender affirming genital surgeries to ensure our health system better meets the needs of transgender New Zealanders
- Put an additional \$300,000 towards research for HIV and STI prevention services
- Committed to include sexual orientation and gender identity questions in Census 2023
- Provided the largest ever single investment in mental health and addiction services, and as part of this boosted investments into Rainbow mental health services such as OUTLine.

Note: We are using Rainbow as an umbrella term to refer to people of diverse sexual orientation, gender identity and expression, or sex characteristics.

Labour will ban conversion therapy

Labour will ban conversion therapy by creating new offences for people, entities or organisations who offer, advertise or perform conversion therapy on another person.

What is conversion therapy?

Conversion therapy is defined as any therapeutic practice or treatment administered to a person that seeks to change, suppress or eliminate a person's sexual orientation or gender identity. This includes, but is not limited to, any effort to change gender expression or eliminate or reduce sexual or romantic attraction or feelings toward persons of the same gender. Importantly, so called conversion therapy is not a legitimate medical therapy.

Previous media reports, including a TVNZ Sunday investigation, found that conversion therapy is available in New Zealand, and is most often practiced in private and faith-based institutions. The recent New Zealand survey Counting Ourselves found that more than one in six research participants reported that a professional had tried to stop them from being trans or non-binary¹.

Why do we need to ban it?

Conversion therapy is based on a falsehood that a person's sexual orientation or gender identity can and needs to be changed. It is a discriminatory practice that can have major implications for the health and wellbeing of vulnerable members of the Rainbow community.

Conversion therapy has been proven to be a harmful and dangerous practice. It has been linked to severe adverse mental health issues, including depression, anxiety and suicidal ideation.

Conversion therapy is an outdated practice that has no place in modern New Zealand. Labour is committed to banning conversion therapy to better protect the rights of our Rainbow communities.

Conversion therapy has already been banned in some jurisdictions including Queensland, Madrid, Ontario and Nova Scotia, and several countries have banned conversion therapy on minors such as Germany, Ecuador and Brazil.

How would Labour give effect to the ban?

Labour will pass legislation to ban conversion therapy. This would include creating new criminal offences, to be punishable by financial fine and/or imprisonment depending in severity, for people, entities or organisations:

- advertising or offering to perform conversion therapy.
- performing conversion therapy
- performing conversion therapy as a professional, including health practitioner, teacher and social worker
- knowingly removing a person from New Zealand for the purposes of conversion therapy

These would be investigated and prosecuted by Police, and standard criminal procedure would be followed through the court process for determination of guilt and imposition of a sentence.

¹ https://countingourselves.nz/wp-content/uploads/2020/01/Counting-Ourselves_Report-Dec-19-Online.pdf

Better access, support and treatment through our health system

Labour will:

- **Ensure healthcare is responsive to the needs of trans, intersex and gender diverse people and explore specialised wrap around support**
- **Develop a rights-based protocol to prevent unnecessary medical interventions on intersex children**

Our health and social service system needs to be inclusive and work for everyone. Trans, intersex, and gender diverse people in particular face significantly poorer health outcomes and services than other New Zealanders. A person's gender identity should not be a barrier to getting quality health care in New Zealand. That's why Labour will work to ensure our health services are more inclusive for our gender-diverse community.

Labour will ensure healthcare is responsive to the needs of trans, intersex and gender diverse people and explore specialised wrap around support

Stigmatisation and discrimination, including within the health care system, is a barrier to accessing health services and contributes to adverse outcomes. Previous research in New Zealand has found that doctors and nurses here may have very little practical experience of supporting intersex people and their families. People can also experience a lack of acknowledgement of legitimacy of how they identify. Historically transgender healthcare has suffered from the inappropriate labelling of gender/cultural identity and expression as a diagnosed mental health illness.

All health services should provide equitable and accessible gender affirming healthcare services that align with international standards, evidence-based literature and community feedback. That's why Labour will continue to ensure healthcare is responsive to the needs of trans, intersex and gender diverse people. We will also work with the existing Rainbow community sector to explore specialised healthcare expertise for Rainbow communities, and wrap around support for trans, intersex, and gender diverse people.

An important part of this is improving understanding and capability of health practitioners. We will work with professional bodies to ensure training is inclusive and enables health practitioners to respond to the needs of trans, intersex and gender diverse patients.

Labour will develop a rights-based protocol to prevent unnecessary medical interventions on intersex infants

New Zealand research has found that some doctors and nurses can hold traditional views about gender identity and parents of intersex babies can be pressured into choosing surgery to 'normalise' their child's body. The Darlington Statement, a joint statement made by Australian and New Zealand intersex organisations and advocates in 2017, suggests that genital surgery on intersex babies and children should be a crime. The United Nations recommended that New Zealand develop and implement a child rights-based health-care protocol for intersex children in order to meet our obligations under the Convention on the Rights of the Child.

The problem with surgery is that it is irreversible and the choice parents make for their child when they are very young may turn out not to be the right one. Labour will develop and implement a child rights-based health care protocol for intersex children to prevent someone being subjected to unnecessary medical or surgical treatment during infancy or childhood, and binary gender assignment is not automatically presumed to be the best-case outcome.

Improving the wellbeing of Rainbow communities

Labour will:

- **Target \$4 million of mental health funding for the Rainbow community and continue implementing the Suicide Prevention Strategy**
- **Continue to address homelessness including Rainbow homelessness**

Compared to the total population, Rainbow people report experiencing lower overall life satisfaction and are more likely to report being socially excluded. However, we also know that Rainbow identities can themselves become a source of wellbeing and pride. Labour is committed to improving wellbeing of all New Zealanders, including our Rainbow community.

Rainbow New Zealanders experience disproportionately poorer mental health and are at higher risk of suicide than the general population. We know that we need to continue making improvements in mental health and we are committed to this.

Labour will target mental health funding for the Rainbow community and continue implementing the Suicide Prevention Strategy

As well as experiencing higher rates of mental health problems and addictions, the Rainbow community can also have mixed experiences of support from mental health services. Labour takes mental health seriously, and in our first term we have already started investing significantly into mental health. We will continue to roll out our mental health investment and ensure at risk communities, like the Rainbow community, have access to specialised and effective support services.

As part of this we will dedicate \$4 million over four years for existing Rainbow youth mental health services so they can better meet demand and build capacity. This will build on the investments we have made as part of the COVID-19 response, including:

- funding for OUTLine New Zealand to provide their free peer support services, a free phone line and specialist counselling
- a grant from the Whai Ora, Whiti Ora fund to Rainbow Path, who work with people who have intersectional Rainbow, and migrant and refugee backgrounds

We know far too many New Zealanders die by suicide. That's why we developed Every Life Matters: A Suicide Prevention Strategy to work toward a future where there is no suicide in New Zealand. As part of this we committed to working with Rainbow communities to develop guidance on inclusive suicide prevention practices and we will continue this work.

Labour will continue to address homelessness including Rainbow homelessness

Labour is committed to ending homelessness. We want to make sure every person has a warm, dry, and safe home to live in and we have developed the Homelessness Action Plan to support this goal. Our plan is about increasing supply, managing demand and providing people with the right support to help them toward stable and safe housing. Labour will continue to tackle homelessness in New Zealand to end the reliance on motels by progressing further initiatives in the Homelessness Action Plan. As we do this, we will make sure the Plan and the provision of existing and new services have pathways and initiatives that suit the needs of Rainbow people.

Create more inclusive school and work environments

Labour will:

- **Promote safe and accepting school environments, including working with schools on providing gender neutral bathrooms for school students**
- **Update the 2015 New Zealand standard for gender and sexual diversity in employment, and work with employers on creating inclusive work environments**

A lot of Rainbow people do not feel safe enough or fear discrimination at work or at school. Research in New Zealand and overseas has shown that Rainbow young people are more likely to experience bullying. This can follow through to work, with members of the Rainbow community reporting incidents of bullying and discrimination in workplaces.

Labour will promote safe and accepting school environments, including working with schools on providing gender neutral bathrooms for school students

All schools and learning institutions must provide a safe learning environment for Rainbow students to learn and thrive. The Human Rights Commission found that students with diverse sexual orientations and gender identities are three times more likely to experience bullying, with serious negative impacts on their mental health and educational outcomes. Labour will take action so that every school student feels safe and accepted at school. The Ministry of Education's *Guide to LGBTIQ+ students* provides advice to school leaders and teachers. We will work to ensure that schools apply this guidance to promote safety for Rainbow students and create inclusive and informed school environments. This will be mandated through our statement of national education and learning priorities and will be supported by the new Relationships and Sexuality Education guidance. We will also explore requiring ongoing professional development for teachers in areas such as understanding sexual orientation and gender diversity, bullying and the rights of children.

An important part of inclusion is having safe physical spaces for all students. Students who are forced to use a bathroom they're not comfortable with will sometimes not go to the bathroom all day. In a recent survey, less than half of trans and non-binary secondary school students reported that unisex toilets were available at their school. Labour in government will work with schools to ensure they have gender neutral bathrooms available so all students can feel safe and comfortable throughout the school day. We will also continue to mandate that gender neutral facilities be considered as part of the design and development of all new school builds.

Update the 2015 New Zealand standard for gender and sexual diversity in employment, and work with employers on creating inclusive work environments

International research shows that people from the Rainbow community still face discrimination and exclusion in the workforce; in recruitment, retention, training, and advancement opportunities. This is an infringement of human rights. Workplaces that support and encourage staff to be authentic and bring the whole of themselves to work perform better than those where people feel they must hide a central aspect of themselves.

In 2015, Standards New Zealand developed the first standard in the world to assist organisations achieve truly inclusive workplaces. The standard provides criteria that can be applied across organisations of all sizes to work toward equity in employment. However it needs to be kept up to date to ensure it is most beneficial to both employers and employees. That's why we will undertake engagement with the Rainbow community to modernise and update these Standards.

Reduce discrimination and ensure equal rights for the Rainbow community

Labour will:

- **Review the Human Rights Act 1993 to ensure it is explicit that discrimination on grounds of gender identity is prohibited**
- **Review adoption and surrogacy policies and legislation**
- **Promote Rainbow rights and help fight discrimination internationally**

All people should have the same basic rights, regardless of sexual orientation, gender identity, gender expression or sex characteristics. Overt and subtle forms of discrimination continue to be widespread against Rainbow people. We need to ensure equal rights in New Zealand, and use our voice on an international stage to advocate for justice and equality.

Labour will review the Human Rights Act 1993 to ensure it is explicit that discrimination on grounds of gender identity is prohibited

The Universal Declaration of Human Rights 1948 and the New Zealand Bill of Rights 1990 are based on the assumption that “All human beings are born free and equal in dignity and rights”. In order to fulfil this commitment to equality and dignity we must eliminate remaining areas of discrimination in our law, and ensure that all Rainbow New Zealanders can live in safety and dignity. While the New Zealand Human Rights Commission and advice from Crown Law have interpreted the Human Rights Act 1993 to include discrimination on the basis of gender identity under the grounds of sex discrimination, this has not been tested in NZ courts, and trans people have made it clear that they do not feel protected. Labour will review the Human Rights Act 1993 to ensure it is explicit that discrimination on grounds of gender identity is prohibited

Labour will review adoption and surrogacy policies and legislation

Surrogacy and adoption processes currently require onerous processes. In the case of Rainbow families, this requires them to adopt their own genetic children after surrogate birth - requiring court orders, interviews, and home visits to determine suitability. Many of the assumptions built into this are around outdated expectations around family and relationship structure. Australia and the UK have both been conducting major overhauls of their surrogacy laws to bring them in line with the way surrogacy actually works. Labour will review adoption and surrogacy policies and legislation with a view to removing discriminatory practices. This will include consideration of the upcoming Law Commission’s review of surrogacy laws.

Labour will promote Rainbow rights and help fight discrimination internationally

Experiences and needs of the Rainbow community are essential in all elements of government, including international relations. Our underlying foundation of New Zealand’s foreign policy is to have principled, independent policy driven by our national interests and that reflects our national values and experience. We will continue to prioritise a human rights approach to international affairs. We also believe that an important part of this is having representation in parliament and Labour has a strong Rainbow caucus to continue to advocate and make real change.