

AIDE-MEMOIRE TRANSGENDER INQUIRY REPORT

Background

1. The Human Rights Commission's Inquiry into the discrimination experienced by trans people commenced in 2006. It focused on three areas: experiences of discrimination, access to health services, and barriers to legal recognition of gender status.
2. The Inquiry widely consulted trans people throughout New Zealand and key government agencies, including the Ministry of Justice. The draft report has been circulated to submitters and key government agencies to clarify material provided.

Key Findings of the Inquiry

- Disproportionately high incidence of unlawful discrimination has been experienced by trans people.
- Impossible to determine the population of trans people and intersex people.
- Intersecting factors operate to marginalise trans people and their families, compromise their safety, affect their access to housing, create barriers to finding and retaining employment, place restrictions on their participation in public life and jeopardise their navigation of the criminal justice system.
- Wider community has little/no knowledge about the issues affecting trans people.
- Marginalisation of trans people exacerbated by either the absence of policies and practices that recognise their specific needs, or development of such policies without their involvement.

Recommendations of the Inquiry

All government departments

- increase consultation and collaboration with trans people on issues that affect them.
- review policies and practices to ensure these do not discriminate against, and are inclusive of, trans people
- consider when it is necessary to gather sex data and, where necessary, ensuring categories for data collection reflect the diversity of trans people

Ministry of Justice

- amend the Human Rights Act to secure protection from discrimination on the grounds of 'gender identity'
- record information about crimes against trans people including crimes motivated by a victim's gender identity

- investigate options for disclosure of previous names where a Police clearance is needed for a trans people

Other specific government departments (key recommendations only)

- amend the Births, Deaths, and Marriages Registration Act 1995 (section 28(3)(c)(i)(B)) to ensure trans people are fully recognised, and improve consistency in government policies relating to change of sex details on official documents (Department of Internal Affairs)
- provide clear information about gender reassignment services available within each district health board, and develop treatment pathways and agreed standards of care (Ministry of Health)

Human Rights Commission

- develop a human rights education programme to address human rights and discrimination issues for trans people
- bring together government agencies to share best practice for search, detention and imprisonment of trans people
- consult with intersex people and government agencies on the issues raised with the Inquiry
- increase dialogue about intersex people's human rights

Next Steps

3. Ministry of Justice will help coordinate a government response to the Inquiry. This will include working with departments to consider whether policy and legislative changes are necessary or desirable.

Talking Points

- The release of the Commission's report is likely to generate media interest and a broad range of responses from the public.
- Although trans people brought to the inquiry a variety of solutions to the issues that affect them, many of which can be addressed without significant resources, there will be some financial implications associated with implementing some of the recommendations, which are addressed in the report.