

Black Rainbow's Submission to the Australian Human Rights Commission

**Current and emerging threats to TGD human rights
(2024)**

12th April 2024

Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

Dear Australian Human Rights Commission,

Black Rainbow's Submission to the Australian Human Rights Commission

Founded in 2013, Black Rainbow is a national volunteer-driven social enterprise dedicated to promoting the health and wellbeing of the Aboriginal and Torres Strait Islander LGBTQIA+SB community. Based in Darwin, Northern Territory, the organisation operates at the intersection of Indigenous rights and LGBTQIA+ advocacy, addressing the unique challenges faced by this often-marginalised population.

Founded on principles of self-determination, inclusivity, and cultural pride, Black Rainbow creates a safe and empowering online environment where community members can express their identities. The organisation raises awareness about suicide and its prevention, mental health concerns, discrimination, and sexual health education, collaborating with local health providers and government agencies to ensure culturally sensitive and inclusive healthcare services.

This submission to the Australian Human Rights Commission highlights the current and emerging threats to the human rights of transgender and gender diverse (TGD) Aboriginal and Torres Strait Islander people in Australia. It emphasises the lack of inclusive and culturally responsive health, wellbeing, and suicide prevention strategies, resulting in barriers to accessing appropriate support services. The submission advocates for self-determination, partnerships with Indigenous organisations like Black Rainbow, and the co-design of specific strategies to address the unique experiences of discrimination, marginalisation, and violence faced by this vulnerable community. Upholding the dignity, rights, and wellbeing of Aboriginal and Torres Strait Islander TGD people through inclusive policies and practices is crucial to protecting their human rights.

Sincerely,

Black Rainbow - Dr Andrew Farrell, Dameyon Bonson, Bertie Tipungwuti, Jake Gablonski and Casey Conway

Part 1: Suicide and Mental Health for Aboriginal and Torres Strait Islanders in the Context of Transgender and Gender Diverse (TGD) Communities

The mental health and well-being of Aboriginal and Torres Strait Islander transgender and gender diverse (TGD) individuals is a critical concern requiring urgent attention. This submission highlights the unique challenges they face navigating adverse responses to their Indigenous and gender diverse identities, facing compound discrimination and exclusion. The prevalence of suicide and mental health issues in these communities is alarmingly high, stemming from lack of culturally safe, affirming healthcare, social exclusion, internalised attitudes, and the imposition of colonial norms denying their complex identities.

Several barriers impede access to appropriate support services, including:

1. Lack of cultural safety: There is a critical shortage of mental health services that cater to both Indigenous and TGD needs.
2. Discrimination: Discrimination in healthcare settings and fear of mistreatment discourage TGD individuals from seeking help.
3. Lack of representation: Underrepresentation of Aboriginal and Torres Strait Islander TGD individuals in research, policy, and service delivery hinders targeted interventions.

To address these challenges, we propose the following recommendations:

1. Develop culturally specific mental health and suicide prevention programs co-designed with Aboriginal and Torres Strait Islander TGD communities.
2. Implement mandatory training for healthcare professionals on cultural competency and gender diversity.
3. Ensure meaningful involvement of Aboriginal and Torres Strait Islander TGD people in service design and delivery.
4. Invest in research and data collection to better understand their specific mental health needs.
5. Support the establishment of TGD-specific, Indigenous-led support groups and networks.
6. Advocate for legislative and policy reforms that recognise and protect the rights of Aboriginal and Torres Strait Islander TGD people.

Conclusion

The mental health crises facing Aboriginal and Torres Strait Islander TGD people is a pressing human rights issue that demands immediate and concerted action. By acknowledging and addressing the unique challenges experienced by Aboriginal and Torres Strait Islander TGD

people, we can move towards a more equitable, inclusive, and supportive society. This submission calls for a comprehensive and coordinated approach that respects the dignity, culture, and rights of all individuals, ensuring that Aboriginal and Torres Strait Islander TGD peoples have access to the support and care they need to thrive.

Part 2: Structural, Societal, and Interpersonal Racism Faced by Aboriginal and Torres Strait Islander TGD People in Australia

Aboriginal and Torres Strait Islander transgender and gender diverse (TGD) people in Australia face multifaceted forms of racism operating at structural, societal, and interpersonal levels. This pervasive racism not only infringes upon their human rights but also significantly impedes their ability to access essential services and participate fully in society.

Structural Racism:

- **Healthcare System:** Lack of culturally competent and gender-affirming care due to insufficient provider training, resulting in inadequate access to health services, mental health support, and gender-affirming treatments.
- **Legal and Justice System:** Systemic biases leading to higher rates of incarceration and interactions with the justice system, compounded by biases against their gender and Indigenous status.

Societal Racism:

- **Media Representation:** Stereotypical, uninformed, and negative portrayals perpetuate harmful stereotypes, contributing to societal prejudice and discrimination.
- **Public Discourse:** Lack of informed, self-determined, and inclusive discourse around gender diversity and Indigenous peoples alienates Aboriginal and Torres Strait Islander TGD peoples from their communities and society.

Interpersonal Racism:

- **Discrimination and Harassment:** Experienced in public spaces such as workplaces, educational institutions, and healthcare settings, directly impact mental health and well-being.
- **Family and Community Acceptance:** Exclusion, rejection, and isolation of Aboriginal and Torres Strait Islander TGD peoples from families and communities of “mixed ethnicities” , exacerbating feelings of loneliness and disconnection.

Internalised Racism:

- **Internalised Racism:** The oppressive effects of structural and societal racism can lead Aboriginal and Torres Strait Islander TGD individuals to internalise negative stereotypes and prejudices about their Indigenous and gender identities, resulting in low self-esteem, self-hatred, and a diminished sense of self-worth.
- **Lateral Violence:** Internalised racism can manifest as lateral violence within Aboriginal and Torres Strait Islander communities, where TGD individuals face rejection, harassment, and discrimination from other community members who have accepted and internalised discriminatory attitudes perpetuated by the broader society.

Recommendations for Action:

1. **Strengthen Anti-Discrimination Laws:** Enforce and strengthen laws to protect TGD individuals from racism and discrimination in all areas of life.
2. **Cultural Competency Training:** Implement mandatory training for public service employees, healthcare providers, educators, and law enforcement officers.
3. **Support Indigenous-Led Initiatives:** Amplify and support Indigenous-led organisations advocating for the rights and well-being of Aboriginal and Torres Strait Islander TGD people.
4. **Inclusive Public Education Campaigns:** Launch campaigns to raise awareness about Indigenous cultures and TGD peoples, shifting societal attitudes towards acceptance and inclusion.
5. **Community Support and Safe Spaces:** Invest in community support networks and safe spaces empowering Aboriginal and Torres Strait Islander TGD individuals to connect, share experiences, and access peer support.

Conclusion

Combating the structural, societal, and interpersonal racism faced by Aboriginal and Torres Strait Islander TGD people requires a concerted effort from all sectors of society. By acknowledging and addressing these forms of racism, Australia can move towards a more inclusive and equitable society where the rights and dignity of every individual, regardless of their gender identity and Indigenous status, are respected and protected.

Part 3: Transphobia in Aboriginal Health Services

Transphobia within Aboriginal health services is a significant barrier to the health and wellbeing of Aboriginal and Torres Strait Islander transgender and gender diverse (TGD) individuals with a lack of understanding at its core. It manifests in various forms, from explicit discrimination and denial of care to subtle bias and misunderstanding, discouraging TGD people from seeking healthcare and leading to delayed diagnoses, untreated issues, and poorer health outcomes.

Key issues include lack of cultural competence and knowledge among health professionals on Indigenous cultures and TGD identities, resulting in care that is neither culturally safe nor gender-affirming; invisibility of TGD identities and needs within health systems; misgendering, incorrect name/pronoun use, and discriminatory treatment by staff; and limited access to gender-affirming services like hormone therapy and psychological support.

To combat transphobia and improve healthcare for Aboriginal and Torres Strait Islander TGD people, comprehensive actions are needed:

1. Implement mandatory comprehensive cultural competency training for all staff emphasising respect and affirmation of TGD identities within Indigenous cultural contexts.
2. Establish explicit TGD-inclusive policies and practices regarding name/pronoun use, confidentiality, non-discrimination protocols.
3. Increase representation of Aboriginal and Torres Strait Islander TGD voices in service design, delivery, and evaluation to ensure their needs are addressed.
4. Expand access to comprehensive gender-affirming care including hormone therapy, surgery, and mental health support in a culturally safe, accessible manner.
5. Create visibly inclusive, welcoming environments through signage, staff training, and available TGD-specific health information.
6. Support peer support networks and community engagement initiatives empowering Aboriginal and Torres Strait Islander TGD people.

Conclusion

Transphobia in Aboriginal health services is a critical issue that requires immediate and comprehensive action to ensure that all Aboriginal and Torres Strait Islander peoples have access to health care that is respectful, affirming, and culturally competent. By implementing the recommendations outlined above, health services can significantly improve the health outcomes and quality of life for Aboriginal and Torres Strait Islander TGD people, moving closer to achieving health equity for all.

Part 4: Lack of Service Access in Regional and Remote Communities for Aboriginal and Torres Strait Islander TGD People

Access to essential health and support services for Aboriginal and Torres Strait Islander transgender and gender diverse (TGD) people in regional and remote communities is severely lacking. This lack of access exacerbates health disparities, social isolation, and undermines their fundamental rights. Challenges include geographical isolation from urban healthcare centers, limited regional resources restricting availability of TGD-specific care, cultural barriers discouraging open support-seeking due to stigma fears, and financial disadvantages hindering access to services in urban areas. Addressing this service gap is crucial for upholding the rights of TGD Aboriginal and Torres Strait Islander people.

To bridge these service gaps, a multi-pronged approach is needed:

1. Enhance and promote telehealth services providing remote access to gender-affirming care, mental health support, and other essential health services in a culturally sensitive, accessible manner.
2. Develop mobile health service units that can travel directly to remote communities offering specialised TGD healthcare on-site.
3. Establish and support community-based peer support programs, advocacy initiatives, and education to raise awareness, reduce stigma, and provide localised services.
4. Implement targeted training for local health workers and community leaders on TGD health needs, cultural competence, and gender sensitivity to improve locally-provided care.
5. Foster partnerships between TGD groups, Indigenous health services, and government agencies to develop integrated, culturally appropriate service approaches across geographic areas.
6. Invest in developing healthcare infrastructure in remote/regional areas focused on creating accessible, TGD-friendly environments.
7. Advocate for policy and legislative changes recognising and addressing the unique barriers faced by remote/regional TGD individuals, ensuring equitable service access and protections.

All levels of government, healthcare systems, and community organisations must work collaboratively to dismantle the multifaceted barriers impacting this underserved population. By taking concerted action informed by TGD voices and experiences, Australia can make strides towards health equity for all Indigenous individuals, regardless of gender identity or geographic location.

Conclusion

The lack of service access in regional and remote communities for Aboriginal and Torres Strait Islander TGD individuals is a pressing issue that demands immediate attention. By implementing the recommendations outlined above, significant strides can be made in ensuring that TGD individuals in these communities have equitable access to the services and support they need to lead healthy, fulfilling lives. It is imperative that all levels of government, healthcare providers, and community organisations work collaboratively to address these challenges and uphold the rights of TGD individuals in regional and remote Australia.

Part 5. The Need for Mainstream Departments and Services to Partner with organisations like Black Rainbow

Part 5 of the submission to the Australian Human Rights Commission focuses on the crucial need for mainstream government departments and public services to forge collaborative partnerships with organisations like Black Rainbow (www.blackrainbow.org.au). Black Rainbow is a leading community-controlled organisation advocating for the rights and well-being of Aboriginal and Torres Strait Islander LGBTQIA+SB peoples.

Partnerships between mainstream providers and organisations like Black Rainbow bridge gaps in services for Aboriginal and Torres Strait Islander transgender and gender diverse (TGD) communities. Black Rainbow offers invaluable expertise addressing intersectional challenges, providing culturally-grounded, gender-affirming perspectives missing in mainstream services. Their involvement overcomes mistrust barriers, fostering inclusive environments centered on Indigenous self-determination - crucial for ensuring TGD people feel safe and empowered to access support.

To cultivate effective and mutually-beneficial partnerships, strategic recommendations include:

1. Formalising relationships through Memoranda of Understanding that outline shared principles, roles, expectations, and commitment to TGD human rights.

2. Embedding co-design processes that involve Black Rainbow in developing culturally appropriate services and programs responsive to TGD community needs.
3. Leveraging Black Rainbow's expertise to provide training that builds staff capacity within mainstream departments on cultural safety and gender diversity competencies.
4. Seeking joint funding opportunities and pooling resources to support targeted, evidence-based initiatives for Aboriginal and Torres Strait Islander TGD peoples.
5. Implementing rigorous monitoring and evaluation frameworks to continuously improve partnership outcomes aligned with community priorities.

Conclusion

The imperative for mainstream government and service providers to collaborate with Black Rainbow is both pragmatic and ethical. These partnerships unlock specialised cultural knowledge while signalling an institutional commitment to equity, inclusion, and respect for all Aboriginal and Torres Strait Islander peoples.

By working cooperatively, drawing on Black Rainbow's expertise, community ties, and lived experience, Australia can enhance service systems to be more accessible, affirmative, and better meet the holistic needs of Aboriginal and Torres Strait Islander TGD peoples. Overcoming systemic barriers through meaningful partnerships is crucial for upholding the human rights of Aboriginal and Torres Strait Islander TGD peoples.

Sincerely,

Black Rainbow - Dr Andrew Farrell, Dameyon Bonson, Bertie Tipungwuti, Jake Gablonski and Casey Conway

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- Highlights the lack of inclusion and human rights considerations for Aboriginal and Torres Strait Islander LGBTIQASB+ people in existing health, well-being, and suicide prevention strategies in Australia. It advocates for co-designed strategies and upholding the dignity, rights, and well-being of this vulnerable group through inclusive policies and practices.