

Australian Human Rights Commission
Submission to the Australian Human Rights Commission
Via email: TGD.Submissions@humanrights.gov.au



Dear Commission,

11th of April 2024

Re: Mapping Threats to Trans and Gender Diverse (TGD) Human Rights in Australia

We are writing in response to the call for submissions regarding the national project mapping threats to trans and gender diverse (TGD) human rights in Australia, being conducted by the Australian Human Rights Commission.

As an organisation dedicated to promoting the health and well-being of LGBTIQ+ Sistergirl and Brotherboy communities across Queensland, including those who are Transgender, Gender Diverse and Non-Binary (TGDNB), we commend the Australian Human Rights Commission for undertaking this crucial initiative. We believe that understanding and addressing threats to TGD human rights is essential in creating a society that is inclusive, equitable, and respectful of all individuals regardless of their gender identity.

Our submission focuses on providing non-personal information and analysis in several key areas outlined in your call for submissions, including:

- Mental health outcomes for our communities, particularly our Trans, Gender Diverse and Non-Binary communities,
- Discrimination, relating to education, employment, healthcare, housing, migration, service provision, and the law,
- And non-personal information relating to anti-TGDNB abuse, discrimination, harassment, vilification, and violence.

Additionally, we aim to contribute insights and perspectives from our extensive experience working with TGD individuals and communities in Queensland. Through our programs, advocacy efforts, and collaborations with stakeholders, we have gained valuable knowledge about the challenges and barriers faced by TGDNB individuals in various aspects of their lives.

As subject-matter experts in TGDNB matters, the Queensland Council for LGBTI Health is committed to providing evidence-based analysis and recommendations to support the goals of the Australian Human Rights Commission's project. Our submission will contribute to a more comprehensive understanding of the threats to TGD human rights and inform meaningful action to address them.

We understand that personal accounts, experiences, or stories are not being sought at this time and will ensure that our submission adheres to the guidelines provided. We look forward to the opportunity to contribute to this important project and to seeing the findings published in a public report alongside recommendations to government and civil society organisations.

Thank you for considering our submission. Should you require any further information or clarification, please do not hesitate to contact us [REDACTED]

Yours sincerely,

The Queensland Council for LGBTI Health

Mental Health

In 2022, we submitted as part of a review of Mental Health Outcomes for Queenslanders to the Queensland Parliamentary Committee, Mental Health Select Committee. We know our communities experience higher perpetuities of poor mental health outcomes, and this is only getting worse with instances of discrimination, harassment and barriers to better health outcomes as time has progressed since this study.

From looking at Private Lives 3, we discovered that participants in the 2020 study returned results like:

- More than half (57.2%; n = 3,818) of participants reported high or very high levels of psychological distress during the past four weeks.
- Three fifths (60.5%; n = 3,965) reported having ever been diagnosed with depression and almost half (47.2%; n = 3,093) with generalised anxiety disorder.
- Over two fifths (41.9%; n = 2,848) reported that they had considered attempting suicide in the previous 12 months and almost three quarters (74.8%; n = 5,084) had considered attempting suicide at some point during their lives.
- One 20th (5.2%; n = 274) reported having attempted suicide in the past 12 months and almost one third (30.3%; n = 1,606) reported having attempted suicide at some point during their lives. These rates are considerably higher than those observed within studies of the general population.
- One seventh (13.7%; n = 36) of trans men, 10.9% (n = 27) of trans women, 6.8% (n = 54) of non-binary participants, 4.2% (n = 76) of cisgender women and 3.3% (n = 56) of cisgender men reported having attempted suicide in the past 12 months.
- In total, 7.8% (n = 33) of pansexual, 6.0% (n = 69) of bisexual, 5.1% (n = 35) of queer, 4.2% (n = 8) of asexual, 4.1% (n = 42) of lesbian and 3.3% (n = 46) of gay identifying participants reported having attempted suicide in the past 12 months.

We are in a mental health crisis. Over 2 fifths of LGBTIQ+ people report having attempted suicide in the past 12 months, and over half of LGBTIQ+ people reported high or very high levels of psychological distress during the past four weeks (Lyons et al., 2020). In particular, experiences for our Trans, Gender-Diverse and Non-Binary communities are showing even worse outcomes, with numbers being one in seven. These statistics bring to light the crisis we are in and reflect the experience of many, including the people that we see at our service and the communities we speak to. A summary of findings from Private Lives 3 (PL3), focusing on Trans, Gender Diverse folks, found:

- Overall, Trans, and Gender Diverse participants reported higher rates of psychological distress, suicidal ideation and attempts and poorer self-rated health than cisgender women and cisgender men in PL3.
- Three-fifths (61.8%; n = 113) of trans women reported gaining legal recognition for their gender identity in their passport, followed by 45.4% (n = 90) of trans men and 17.2% (n = 72) of non-binary participants.
- Less than one-third of trans women (32.0%; n = 74) trans men (29.0%; n = 75), and 10th (10.0%; n = 48) of non-binary participants, reported gaining legal recognition for their gender identity in their birth certificate.
- Less than half of trans women (49.5%; n = 142) and trans men (49.5%; n = 136), and one quarter (25.8%; n = 154) of non-binary participants, agreed or strongly agreed with the statement, 'I have been easily able to access gender-affirming care when I have needed to' (Lyons et al., 2020).

Discrimination

In 2022, we surveyed our communities about discrimination and published it in the Queensland Anti-Discrimination Act Review. Here are some of the results:

The survey was completed anonymously by 74 respondents, with an average time of 45 minutes to complete. The respondents told us that 55 of them said discrimination happens in the workplace the most, 43 said in schools or universities, and 46 told us that it occurs in a healthcare setting. Alarming 68% of people say they have experienced discrimination in the past 5 years, and 29% of respondents chose to share their responses with us (QC 2022). 30% of respondents identified as having a gender different than that presumed at birth.

Our communities have a long history of discrimination and systemic oppression. The toll that it takes to remain resilient is a heavy one, leading to increasing isolation and loneliness, as folks choose to live their authentic lives. This can lead to increased use of alcohol and other drugs, with LGBTIQ+ people two to four times more likely to abuse alcohol and drugs (Lyons et al., 2020). Our communities tell us there are many contributing factors to poor mental health outcomes, including social isolation from families, friends, and connection points all around society. At worst, it signals that people are 'othered' and excluded, unwanted and discriminated against. At best, we are 'not the norm.'

Vilification

In 2023, we submitted as part of a review of vilification laws, and instances of hate crimes to the Queensland Parliamentary Committee, Legal Affairs and Safety Committee.

We found that throughout the findings of the survey responses and stories, it is clear that the experience of vilification, hate speech, and discrimination affected mental health, increased stigma and discrimination and affected social and emotional wellbeing (respondents from the survey reported feeling depressed, anxious and having thoughts of suicide) (QC 2023).

Other findings told us that of the 31 respondents, nearly 68% of people reported having experienced hate speech or vilification, 90.3% of people think that education in schools would help reduce hate speech or vilification in our communities, followed by whole of community education, tougher criminal offences, modernising definitions of gender identity and sexuality and including coverage for people with variations in sex characteristics and stronger accountability for online platforms/social networks 71% agree, and 42% of folk indicated their gender is different to that presumed at birth (QC 2023).

Throughout this survey, we were told stories of vilification online, with one respondent telling us: "The one that really broke me in a way I'm struggling to recover from was during debates online about conversion therapy. Mental health professionals who claimed to treat gender diverse people with a history of trauma were entering debates about conversion therapy and justifying their disagreement with the laws using really pathologising assumptions about both gender diverse people and people with a history of trauma." (QC 2023).

Regional experiences

Recently, we published 'Talking Regions', a series of results and statistics of communities across Queensland based on community consultations with LGBTIQ+ Sistergirl and Brotherboy folks.

For TGDNB folks, we found that safety is the number one concern, especially accessing services, such as medical and social services, having choice and control over which doctor and medical professional to see, addressing stigma, and introducing language and education in health services. In other regions, it consistently came up that TGDNB folks felt unsafe, barriers to healthcare and past traumas meant folks weren't engaging with health services, resulting in deterioration in their respective health (QC 2024).

References

Inquiry into Serious Vilification and Hate Crimes, Submission to the Legal Affairs and Safety Committee from QC. (n.d.).

Queensland Council for LGBTI Health.

Lyons, A., Hill, A. O., McNair, R., Carman, M., & Bourne, A. (2020).

Private Lives 3. La Trobe University.

QC Submission - Inquiry Into The Opportunities To Improve Mental Health Outcomes For Queenslanders. (2022).

Queensland Council for LGBTI Health.

Submission on reform of the Anti-Discrimination Act 1991 Queensland Council for LGBTI Health Submission on reform of the Anti-Discrimination Act 1991 Queensland Council for LGBTI Health. (2022). Queensland Council for LGBTI Health.

https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0017/38600/Sub.139-Queensland-Council-for-LGBTI-Health_Final_Redacted.pdf

Talking Regions. (2024). QC Live Site; Queensland Council for LGBTI Health.

<https://www.qc.org.au/talkingregions>

Visibly Queensland. (2023). QC Live Site; Queensland Council for LGBTI Health.

<https://www.qc.org.au/visiblyqueensland>