

Family Access Network's Submission to the Sex Discrimination Commissioner on the Current and emerging threats to trans and gender diverse human rights

What are some systemic barriers or challenges faced by TGD individuals in accessing essential services such as healthcare, housing, or legal support?

Lack of suitable accommodation, TGD exclusive accommodation and appropriate crisis response options in all areas of the homeless service system.

- Possible breaches of Article 3 of the Declaration of Human Rights which stipulates everyone is entitled to safety:
 - In Emergency Accommodation is particularly unsafe for the TGD community, who frequently experience violence in public spaces, and whose safety cannot be assured by such facilities as motels, rooming houses, and caravan parks.
 - Refuge responses in homelessness and family violence sectors are predominantly gendered services and fail to meet the needs to TGD people who may not be safe in either environment. TGD people are at higher risk of and experience higher levels of harassment, discrimination, rejection, assault, and violence in refuge services.
- Possible breaches of Article 25 of the Declaration of Human Rights which outlines everyone is entitled to housing:
 - There are two LGBTIQ+ family violence refuge beds in the state of Victoria which can leave TGD people without emergency accommodation options.
 - In Transitional Housing, Family Access Network still supports the only 3 LGBTIQ+ exclusive transitional housing properties in the state of Victoria. These properties are essential to provide our Young TGD clients the time and resources to transition to sustainable long-term secure housing. Demand for these properties continually outstrips availability.
 - Lack of Public & Social Housing available for TGD young people. With public and social housing prioritised for children and families, it is unrealistic for a single young person to expect to enter social housing at all. Single young people make up over 50% of FAN's clients, and with an increasing unlikelihood of ever gaining access to social housing, they are dependent of obtaining rental in an inadequate, expensive, and discriminatory private market.
 - Barriers exist for TGD people when seeking to access to housing in the private rental market. This includes discrimination when TGD people apply for housing and issues around identification required to apply for properties. E.g., name on application may not match a person's gender presentation.

Experiences of violence and discrimination when accessing services create barriers to help seeking

- LGBTIQ+ lives are still not adequately reflected in service system responses such as intake/registration forms, risk assessment frameworks and day to day operations. For example:
 - The MARAM Family Violence framework does not account for TGD specific risk factors that might inform the development of appropriate risk mitigation strategies.
 - School and workplace policies around uniforms and bathrooms can discriminate against TGD people seeking safe and affirming amenities and resources.
 - Service systems may require practitioners to refer to clients by legal names which can lead to client's being called incorrect names in session or service delivery which can lead to mistrust and distress.
- Systems are often treating TGD people as "difficult", "unusual" or "out of the everyday experience" which can sensationalise the presentation of TGD people who need to disclose TGD identities. The impact of this can be that service responses become focused on the gender identity as the "issue" rather than the presenting needs such as housing requirements. Systematic responses can fail to understand the intersection of TGD housing needs such as private bathroom facilities and lockable doors for privacy and safety.

- Existing protections can be inadequate to ensure a sense of safety for TGD people presenting to essential services. E.g., TGD people cannot be assured they won't be discriminated against on the basis of identity in medical services. Medical services may treat TGD as the sex they were assigned at birth and fail to account for relevant TGD healthcare needs.
- Missing data and research to guide appropriate and affirmative medical care for TGD people. E.g. drug interactions for people undergoing hormone replacement therapy, the impacts of HRT on pregnancy and TGD bodies changing throughout the lifespan such as bone density and menopause (where relevant).
- Accessing gender affirming care can be difficult for young people requiring consent from parents who are not supportive which can result in key development intervention opportunities being missed.
- Lack of training and knowledge by staff in services can lead to TGD people experiencing intended or unintended discrimination. For example, in a clinical setting staff may continuously dead name a TGD patient or treat them as their sex assigned at birth.
- Change of name applications are expensive and without this paperwork TGD people find themselves in positions where they are required to use incorrect legal names when seeking employment or applying for housing.
- Timeframe on applying for name change applications are extensive and the push towards digitalisation means paper-based applications are becoming harder to access. This is the only way to apply without pre-paying the application for people who do not have funds to apply online and wait for a refund.

How do existing laws or policies either protect or fail to protect the rights and dignity of TGD individuals?

- Recent legislative changes to outlaw practices such as conversion therapy do aid in creating a safer space for TGD individuals. However, it does not necessarily mean that community members will abide by the legislations and the avenue for seeking justice for conversion therapy attempts is unclear.
- Outdated policies and procedures do not allow for TGD identity to be adequately accommodated in housing intake assessments, therefore limiting options and opportunities for TGD individuals to present and seek service as their authentic selves.
- Lack of education and knowledge of the nuance of TGD lives in policy making departments can lead to deficits in policy and legislation for identity specific issues

Have disinformation and misinformation and/or other forms of anti-trans discrimination affected TGD individuals' ability to access education, employment, healthcare, housing, migration, and legal rights and if so, how?

- As a result of online and broadcast media misinformation, TGD individuals access to gender aligned bathrooms and changing facilities can be impacted in education, healthcare and employment settings. This also extends to restrictive policies in place with schools/work settings that make it difficult for TGD individuals to wear attire which aligns with their gender identity
- Increase in anti-trans misinformation over the last couple of years both nationally and internationally through social media platforms has allowed space for anti-trans sentiments to be socially tolerated which has flow on impacts for TGD individuals seeking to access employment, education and housing where they feel safe and respected
- Lack of representation of TGD people within systems of power lead to policies and legislations that are not reflective of TGD education, employment, health and housing needs

- Anti-trans rhetoric, misinformation and disinformation has restricted TGD people's right to access and enjoy in leisure activities (Article 24) and art, culture and science (Article 27).
- Misinformation and disinformation can lead to TGD people experiencing harassment and discrimination in obtaining and retaining housing which has flow on impacts to TGD people's ability to access and participate in employment and education to earn income and improve housing stability.
- Experiencing anti-trans harassment, discrimination and misinformation in education and employment settings impacts TGD people's ability to focus and perform well in these settings which can lead to education being discontinued or employment being terminated or resigned, which in turn impacts income and housing.
- Misinformation and disinformation can lead to family rejection of TGD people which limits available housing choices and worse mental health outcomes for TGD people.

Have instances of discrimination, harassment, or violence targeting TGD individuals in public, private or online spaces been documented in your research or data gathering? If so, what trends or patterns have emerged?

- FAN's clients have reported being misgendered when presenting to services and/or receiving support from a service, these services have included healthcare and homelessness organisations.
- Due to lack of appropriate housing options, trends are noted around TGD people being placed in inappropriate dwelling conditions such as facilities aligned with their sex assigned at birth but not their gender identity.

How do these trends impact TGD individuals on a societal and/or community level, as indicated by data, research, analysis?

- TGD people experience increased rates of mental ill-health due to discrimination, harassment and violence experienced in everyday life in both public and private spaces
- Higher rates of mental ill-health correlate with higher rates of suicide attempts in TGD populations. Suicide has well known and far reaching impacts on community surrounding the person who died and increases mental ill-health and driver further suicidal behaviours in those impacted by the loss. This is particularly impactful in TGD communities who can be more interconnected.
- Increased frequency of mental ill-health impacts the number of hospital admissions and attempted hospital admissions leading to strain on the health care system
- Increase episodes of mental ill-health leads to lower performance and higher absenteeism at work and education which can lead to termination and impact ability to earn and income. This can lead to housing instability and homelessness.

How prevalent is the activity?

- 100% of FAN's TGD clients present with co-existing and complex mental health needs, housing needs and with histories of experiencing harassment, discrimination and violence based on their TGD identity.

What is the impact?

- TGD client's presenting to FAN for support need extensive support to stabilise their mental health, build hope and confidence to work on housing, education and employment needs.
- FAN's TGD client's often experience mental health impacts that restrict their ability to work and earn employment which makes it more difficult to obtain private rental housing for after they exit

transitional housing.

- Where this is not possible to obtain private rental housing, we are seeing a higher number of TGD young people have to return to family homes which are often not safe environments for them which perpetuates the cycle of worsening mental health and can lead to further episode of homelessness.
- Higher rates of mental health and homelessness can lead to increased rates of drug and alcohol misuse.

Can you provide insights on anti-trans actions, organising, and/or extremist rhetoric in your community, public spaces or online platforms?

- Youth services within the inner and outer eastern Metropolitan Region of Melbourne have reported having to cancel events such as Drag story time due to protests from anti trans groups. Consequently, this impacts the mental health and well-being of young people who engage with these services as they carry the fear of being targeted if they choose to show the world their true selves
- Services looking to host LGBTIQ+ events following previous cancellations have incurred increased costs of hosting these events after being required to hire private security services to protect event attendees.
- Parents with TGD children have been anecdotally reported to be more hesitant to allow young people to attend LGBTIQ+ events as they are concerned about safety of their children.
- Services and event organisers are having to be cautious about how event details are shared and promoted such as not publishing event location details. This has at times lead to lower attendance which limits the positive impact of LGBTIQ+ events for TGD community. Lower attendance also leads to lower profitability and or feasibility for community services and individuals to organise and deliver events.
- Anti-trans rhetoric and demonstrations allow for intolerant and discriminatory attitudes to grow. This discourse then creates hesitancy and nervousness in services and organisational leaders to develop and increase inclusive practice and policy which leads to further discrimination and violence for TGD service users.

Drawing on your expertise, what measures or initiatives could effectively address root causes of anti-trans sentiment and discrimination within society? What existing initiatives, programs or policies have shown promise?

- Pride in Place- targeted support for LGBTIQ+ people to access service navigation support when experiencing homelessness
- FAN's specialist transitional housing case management approach- matching dedicated LGBTIQ+ housing with specialist LGBTIQ+ support workers
- Employing LGBTIQ+/TGD people to deliver services to TGD people
- Integrating dedicated LGBTIQ+ mental health services with youth homelessness services – eg FAN's art therapy program is targeted at delivering mental health services to young TGD people experiencing homelessness and family violence
- "Rainbow Angels" attending events to shield and protect people attending LGBTIQ+ events
- Victorian Government's unwillingness to compromise on LGBTIQ+/TGD value in society and the development of specific priority areas and funding programs to support better outcomes for TGD people.

- PFLAG groups and TGD parent information sessions – support for parents to learn to navigate ways to support their TDG children and have exposure to peers who have been able to become advocates and supporters of TGD young people. Eg reduction in feelings of stigma and isolation.
- Positive public representation and storytelling in the media that highlights TGD success and humanises TGD experiences
- TGD inclusive practice training in community settings and organisations that allows people to be aware of their discomfort about TGD lives being different to their experiences
- Advocacy from public figures and leaders who can champion the value of TGD lives and perspectives.