

Australian Human Rights Commission Consultation on Current and Emerging Threats to TGD Human Rights
Submission on behalf of Illawarra Shoalhaven Gender Alliance
May 2024

Organisation: Illawarra Shoalhaven Gender Alliance

Contact: [REDACTED]

Who we are

The Illawarra Shoalhaven Gender Alliance (ISGA) is a volunteer run, grass roots health promotion charity that aims to support the health and wellbeing of transgender and gender diverse people in the Illawarra Shoalhaven region. ISGA aims to enhance collaboration between the trans and gender diverse community, health practitioners and allies and provide a platform for engagement, connection, support, education, training and advocacy. ISGA provides resources and support to the local community: <https://www.illawarrashoalhavengenderalliance.org.au>

ISGA convenes a Clinical Network- an alliance of health professionals who are working in the Illawarra and Shoalhaven regions caring for transgender and gender diverse people. Members are psychologists, doctors, nurses, teachers, social workers and allied health professionals.

ISGA runs an annual all ages event in Trans Awareness Week in November in collaboration with the University of Wollongong. The *Trans and Friends Festival Illawarra* provides health education, networking and engagement for the local trans and gender diverse community and their friends and families.

Where we work

The Illawarra Shoalhaven region is a regional centre stretching south from the city of Wollongong. The region has a diverse population, including discrete Aboriginal communities, small coastal settlements and areas of extreme socio economic disadvantage. Access to health care is highly dependent on location with limited access to public transport and very few bulk billing general practices throughout the region, particularly in the Shoalhaven. Although there is a thriving LGBTIQ+ community, many trans and gender diverse people remain isolated, particularly people with intersecting issues leading to marginalisation, such as disability or neurodiversity; those that are socially or financially disadvantaged; and people living in communities where transgender identities need to be hidden.

Systemic barriers and challenges faced by trans and gender diverse individuals in accessing essential healthcare

Access to medical care

A major threat to the rights of transgender and gender diverse people in our region is the lack of access to timely, affordable and accessible gender affirming care. ISGA welcomes the development of publicly funded services in Sydney and Newcastle providing improved access to health care, but these remain distant and inaccessible for people particularly in the southern part of the region. There are very limited options for young people in particular, with long waiting lists for services outside the region.

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Providing accessible gender affirming care is essential to the health and wellbeing of transgender and gender diverse people that is supported by an increasing evidence base¹. Members of our Clinical Network see first hand the health benefits and positive life trajectories associated with having access to local and timely gender affirming care, and experiencing broader health care in an environment of non-discrimination, respect and safety. Many of the trans and gender diverse people that we see have experienced terrible discrimination and in some cases abuse in health services, including denial of care, attempts to change gender identity, inappropriate genital examinations and untrained and culturally incompetent practitioners.

The increasing longitudinal research and publication of evidence based guidelines in the last 5 years has improved the quality of gender affirming medical care and supported access to care particularly via general practitioners². In regional areas, general practitioners are the mainstay of health services, and if well trained can provide access to care, particularly through hub and spoke models to larger, centrally located multidisciplinary services as needed. This points to the need for a rapid investment not just in services but in curricula in health professional undergraduate and postgraduate training to upskill practitioners, particularly in medicine and psychology but also in allied health areas.

We have seen attempts to reduce access to gender affirming health care in other countries, and to frame gender affirming care in reductionist and simplistic ways. There is a strong need for more rather than less options for comprehensive, multidisciplinary gender affirming care for people of all ages. In our regional area, transgender and gender diverse people do not currently have access to the health care that they need, which is a fundamental threat to their health and wellbeing.

Access to mental health care

The prevalence of mental health distress and suicidality amongst trans and gender diverse people is disturbingly high, particularly amongst young people³. Australia is experiencing a mental health crisis, with stark gaps in publicly funded mental health services in regional areas. This is greatly exacerbated for trans and gender diverse people, who have higher needs for care with much poorer access to services that specialise in the provision of mental health and therapeutic interventions to TGD people. Many trans and gender diverse people have sought mental health care only to experience further stigma and discrimination, including conversion type practices, leading to greatly increased trauma and distress and significant barriers to further health seeking. Many trans and gender diverse people in our region report that despite experiencing significant mental health concerns they cannot find a suitable psychologist, psychiatrist or mental health professional; cannot afford to access the services that do exist; and are frightened to access mainstream mental health services.

¹ Coleman et al (2022) Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, International Journal of Transgender Health, 23:sup1, S1-S259

² AusPATH. (2022). Australian Informed Consent Standards of Care for Gender Affirming Hormone Therapy. Australia: Australian Professional Association for Trans Health.

³ Amos, N., Lim, G., Buckingham, P., Lin, A., Liddelow-Hunt, S., Mooney-Somers, J., Bourne, A., on behalf of the Private Lives 3, Writing Themselves In 4, SWASH, Trans Pathways, Walkern Katatdjinn, and Pride and Pandemic teams (2023). Rainbow Realities: In-depth analyses of large-scale LGBTQA+ health and wellbeing data in Australia. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University.

Reduced access to sport and physical activity for trans women and girls

The emerging trend of exclusion of trans women and girls from sporting participation is a significant threat to psychological and physical health. These bans have led to hostile debates, and has seen intimidation, vilification and harassment of trans and gender diverse youth online⁴. Trans people already have enormous barriers to exercising, with trans girls in particular avoiding school sport due to fear of discrimination. Exercise is important for everyone, particularly for a group with higher rates of obesity and mental health distress. We have heard reports of trans and gender diverse people, particularly women, being verbally intimidated and harassed at places such as community leisure facilities resulting in a reluctance for them to participate in health promoting physical activities.

Systemic barriers and challenges faced by trans and gender diverse individuals in accessing education

Young transgender and gender diverse people report very high levels of distress and poor mental health⁵ which can be modified by supportive environments at home and school. We have seen examples in our region of very supportive policies and practices in schools and educational environments supporting young trans and gender diverse people, but also reports of transphobic, racist and homophobic environments at school which can have deleterious effects on education attendance and outcomes, thwarting future possibilities. Past research has identified that negative school environments can include: bullying and harassment by students and staff including online; students or teachers not using preferred names and correct pronouns; a high focus on gendered activities that made it difficult and stressful to participate safely and comfortably in sport and educational activities; lack of access to amenities and suitable toilets; and a paucity of safe and inclusive spaces⁷. Protective strategies to support young people included inclusive and anti-discrimination policies embedded into public and independent schools supported by inclusive curricula. A safe and inclusive school environment can significantly reduce emotional and mental distress, decrease rates of self-harm and thoughts of suicide, and improve the overall wellbeing of students.

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

The current requirement for surgical sterilisation in order to change gender markers on NSW Birth Certificates exposes trans and gender diverse people to both overt and unconscious discrimination in seeking work or accessing goods or services that require some form of identification. NSW is out of step with other Australian states. This lack of access to appropriate identity documents in one's affirmed gender in NSW causes confusion and misaligned identities in health and other government

⁴ https://www.instagram.com/nbcnews/p/CzCVMsVr8QO/?img_index=1

⁵ Strauss P, Cook A, Winter S, Watson V, Wright Toussaint D, Lin A. Trans Pathways: the mental health experiences and care pathways of trans young people. Summary of results. Perth, Australia: Telethon Kids Institute; 2017.

⁶ Wittlin NM, Kuper LE and Olson KR The Mental Health of Transgender and Gender Diverse Youth, Annual Review of Clinical Psychology 2023. 19:207–32

⁷ Jones, T., Smith, E., Ward, R., Dixon, J., Hillier, L., & Mitchell, A. (2016). School Experiences of transgender and gender diverse students in /Australia. *Sex Education*, 16(2), 156 – 171. <http://doi.org/10.1080/14681811.2015.1.080678>.

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software. Removal of discrimination in law demonstrates respect and inclusion for trans and gender diverse people of all ages.

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

In the last 18 months we have seen a significant rise in online and in person anti trans hate speech and threats of violence⁸. This has led to cancellation of community events including in our area, such as Nippers Rainbow Beaches day and protests and threats of violence at local library Rainbow Storytime events⁹. This is an emerging threat that threatens regional and other communities. It directly threatens the safety of TGD people in regional areas and inhibits the ability of trans and gender diverse people to participate in public life. We have had to increase our focus on security whilst planning our events, and young people have reported feeling afraid travelling to the University of Wollongong in case they are targeted in transit.

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

Evaluation of our annual festival demonstrates that the most important aspect of the day is its sense of belonging, safety and inclusiveness. Many trans and gender people in our region are isolated, fear for their safety and experience multiple experiences of explicit discrimination as well as microaggressions daily. This is particularly harmful for young people who are in a crucial developmental stage. Our experience is that normalising, and depathologising trans experience is critical. This is pertinent in health care, in education, in government and in public discourse.

We have found that parents are a potent force of support for young trans and gender diverse people. They help navigate health care, advocate on behalf of their children, and support other parents and families on similar journeys. Parents help embed positive attitudes to trans and gender people within families and communities, including school communities. Supporting parents and families supports young people. In our region, Headspace¹⁰ is a critical resource for young people.

The policies of government funded institutions also have a powerful influence on societal attitudes. In NSW, the recent NSW Health LGBTIQ+ strategy¹¹ has been pivotal in local health districts beginning to assess their inclusivity and provision of appropriate health care. The Victorian government has long been a leader in this space. In addition, the policies of education departments to ensure students feel safe and welcome at school are pivotal. For example, the NSW Department

⁸ Trans Justice Project and the Victorian Pride Lobby: *'Fuelling Hate report: Abuse, Harassment, Vilification and Violence Against Trans People in Australia'*. [Fuelling-Hate-Anti-Trans-Abuse-Harassment-and-Vilification-WEB-SINGLES-1-1.pdf](https://transjustice.org.au/Fuelling-Hate-Anti-Trans-Abuse-Harassment-and-Vilification-WEB-SINGLES-1-1.pdf) (transjustice.org.au)

⁹ <https://www.illawarramercury.com.au/story/8116581/thirrour-nippers-cancelled-following-threats-from-conspiracy-theorist/>
<https://www.abc.net.au/news/2023-06-25/thirrour-community-rallies-in-support-rainbow-lgbtqi-storytime/102521192>
<https://www.abc.net.au/news/2023-04-14/three-arrested-in-police-raids-in-wollongong/102219684>

¹⁰ Headspace- National Youth Mental Health Foundation <https://headspace.org.au/>

¹¹ <https://www.health.nsw.gov.au/lgbtiq-health/Publications/lgbtiq-health-strategy.pdf>

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of Education has a clear legal framework for protecting and supporting transgender and gender diverse students¹².

Organizations like ISGA in regional areas exist due to recognised barriers that trans and gender diverse people face in accessing safe communal spaces, physical and mental health care, safe and inclusive educational environments, opportunities for physical activity, safety in transport and sense of safety, belonging and welcome in everyday interactions.

¹² <https://education.nsw.gov.au/rights-and-accountability/legal-issues-bulletins/transgender-students-in-schools>