

MEDIA RELEASE

A PLEA FOR URGENT HUMAN RIGHTS REFORM FOR PEOPLE LIVING WITH TRANSSEXUALISM AND THEIR FAMILIES

*“Why should such people continue to suffer for their
Difference?”*

Health and Welfare

That specialist Centres of Excellence be established at Public Teaching Hospitals in each State and Territory for the provision of publicly funded medical treatment services as well as welfare, legal and educational support for people with transsexualism and other intersexual conditions of all ages and their families.

Notes:

- *No* such comprehensive specialist treatment system is yet available in Australia.
- Sex Affirmation (Re-assignment) Treatment is essential, and not optional, for people who experience transsexualism and other intersexual conditions. Such people often live with needless secrecy, shame, self-harm and sometimes suicide in the absence of receiving specialist treatment support and medical treatment. Families with children with transsexualism are in special need of such support.
- Transgender/pan-gender/cross-dresser individuals (who do not require medical treatment) have long been able to be readily medically distinguished from people who experience transsexualism and other intersexual conditions. The distinct needs of these different groups should not be confused.
- The lives, welfare and human and legal rights of adults and children with transsexualism (and their families) depend upon access to such specialist medical treatment and support.
- The Centres proposed could also manage medical, legal and general school and community education concerning people with transsexualism and other intersexual conditions;
- The Victorian Monash Gender Dysphoria Clinic is crippled by lack of funding and patients must currently obtain their surgical rehabilitation entirely through the private health sector;

- NSW Health has before it the recommendation of its own Expert Committee Report in favour of this measure, but have thus far not acted upon it.

Law Reform

That the Standing Committee of Attorneys-General (SCAG) promptly act to introduce uniform State and Territory *Birth's Deaths and Marriages legislation* dealing with the reassignment of the legal sex of individuals who have experienced transsexualism and all other intersexual conditions containing the following features:

- 1. The language used to describe people who have experienced variation in human sexual formation (such as people adults and children living with transsexualism) be affirmative rather than derogative;**
- 2. That individuals who can evidence having undergone medical sex affirmation (re-assignment) treatment be entitled to have their legal sex re-assigned (so as to make it consistent with their lived sex) as of right;**
- 3. That minors (and their parents) living in their affirmed sex be able to apply for and obtain 'Provisional' re-assignment of their legal sex;**
- 4. That individuals able to produce medical evidence that they experience transsexualism and are medically prohibited from undergoing sex affirmation (re-assignment) treatment be able to apply for and obtain a 'compassionate' re-assignment of their legal sex;**
- 5. That an expert 'Sex Affirmation Recognition Panel' (along the lines of the United Kingdom 'Gender Recognition Panel) be established to service all States and Territories for the purpose of dealing with the applications referred to in 3 and 4;**
- 6. No other preconditions or qualifications should be imposed. The legislation is compassionate and should not impose unnecessary hardship on people who have experienced variation in sexual formation and expression.**

Notes:

- A person's legal sex is generally first assigned on the basis of a casual inspection of the person's external genitalia (only) and is evidenced by the person's birth certificate as for other aspects of a person's legal identity;
- All States and Territories presently have (significantly different) legislation dealing with the re-assignment of the legal sex of people with transsexualism and other intersexual conditions which provide to the person whose legal sex has been re-assigned all of the legal rights and obligations of the person's re-assigned sex.
- Victorian legislation introduced in 2004 is a good example of the use of affirmative language;

- The Panel should comprise a majority of people living with transsexualism as members.
- SCAG has had this issue on its agenda for many years, is aware of the human rights cruelties being perpetrated by the present inadequate and inhuman State laws, but has thus far not acted to introduce the urgently needed reform referred to above.
- No Australian State has yet introducing the legislation necessary to reflect the recognition of the human rights of people with transsexualism and other intersexual conditions now present in the Common Law of Australia as a result of the Family Court's decisions in the case of 'Kevin and Jennifer' and so continue to maintain harsh and inhumane laws that discriminate against those who are amongst the most marginalised members of our society – simply because of their “difference”.

Issued: 24th July 2005.

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