



Te Kāhui Tika Tangata
Human Rights Commission



Petitions Committee Submission

**Submission on Petition of Maggie Ross: Provide Funding for all Schools to have
Gender-Neutral Bathrooms**

21 April 2023

Submission of Te Kāhui Tika Tangata Human Rights Commission on Petition of Maggie Ross

Introduction

1. Te Kāhui Tika Tangata Human Rights Commission (“the Commission”) welcomes the Petitions Committee’s (“the Committee”) request¹ to provide a written submission on the Petition of Maggie Ross (“the Petition”). The Commission also intends to present an oral submission to the Committee on Thursday 4 May 2023.

2. The Petition calls upon the House of Representatives to:

“urge the Government to provide funding for all schools in New Zealand to have gender-neutral bathrooms.”

3. Gender-neutral bathrooms are bathroom facilities that can be used by anyone, irrespective of their gender. These require both appropriate designation and signage, as well as features that enhance privacy and security.² The Commission agrees with the Ministry of Education that gender-neutral bathrooms are particularly important for trans and non-binary students, for the reasons set out in the Ministry’s submission on this Petition (“Ministry’s submission”).³

4. The Commission supports the intent of the Petition: that all students deserve to have a safe and comfortable place to use a bathroom. All students, regardless of their sexuality, gender identity or expression or sex characteristics (SOGIESC),⁴ are entitled to the full enjoyment of their human rights. Respecting the rights of SOGIESC-diverse students also aligns with the Crown’s obligations under Te Tiriti o Waitangi (“Te Tiriti”), as reinforced by the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”).⁵

5. This submission sets out the Crown’s obligations under international and domestic human rights and Te Tiriti, the key human rights concerns raised via this Petition, the legal framework governing bathrooms in schools, and our recommendations to the Committee.

6. While the provision of funding for gender-neutral bathrooms is an important aspect for upholding the rights of SOGIESC-diverse students, this submission also highlights the need for a more robust

¹ Email dated 24 February 2023 from the Petitions Committee’s Parliamentary Officer Administration to Te Kāhui Tika Tangata Human Rights Commission.

² As set out in the Ministry of Education’s submission on the Petition, dated 12 October 2022: “To be consistent with the Ministry’s guidance, a school’s bathroom facilities need to be:

- self-contained and include hand basin and drying facilities, with full-height walls and doors which are used for more visual and acoustic privacy;
- evenly distributed around the school and located close to learning areas;
- configured to provide high levels of passive surveillance, but without compromising cubicle privacy (passive surveillance can reduce the opportunity for bullying and other antisocial behaviour); and
- fitted with lobby areas that have dual access for student safety, and where possible with access from both indoor learning and outdoor activity areas”.

See: https://www.parliament.nz/resource/en-NZ/53SCPET_EVI_119805_PET3434/2688b4967b75d2f178374e9dcd78253024309fc7

³ See above.

⁴ SOGIESC stands for sexual orientation, gender identity and expression, and sex characteristics.

⁵ Although not a treaty, the Waitangi Tribunal has confirmed that the Declaration has “significant normative weight” and can be taken into account in assessing the Crown’s obligations under Te Tiriti o Waitangi. See Waitangi Tribunal *Whaia te Mana Motuhake - In Pursuit of Mana Motuhake: Report on the Maori Community Development Act Claim* (Wai 2417, 2015) at 34 and 39.

legislative and regulatory framework that requires schools to provide access to gender-neutral bathrooms in schools, in accordance with their human rights obligations.

Aotearoa New Zealand's human rights obligations

International Framework

7. Aotearoa New Zealand is a party to several international human rights conventions. On 10 December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights ("UDHR") which Aotearoa New Zealand played a key role in drafting. The UDHR affirmed, for the first time, fundamental human rights to be universally protected, recognising "the inherent dignity and ... equal and inalienable rights of all members of the human family [as providing] the foundation of freedom, justice and peace in the world"⁶ which paved the way for the proliferation of further human rights treaties based on these core values.⁷
8. Aotearoa New Zealand has also ratified the International Covenant on Civil and Political Rights ("ICCPR")⁸ and the International Covenant on Economic, Social and Cultural Rights ("ICESCR")⁹ which are both founded on the principles of equality and dignity of all persons enshrined in the UDHR. Accordingly, both Covenants affirm the rights of all persons to freedom from discrimination in respect of the rights affirmed in them.
9. The United Nations Convention on the Rights of the Child ("UNCROC") affirms universal human rights insofar as they apply to children.¹⁰ The following rights are relevant to the current Petition: Article 2 affirms children's rights to non-discrimination¹¹; Article 3, best interests; Article 12, the right to be heard; Article 16, the right to privacy; Article 19, freedom from violence; Article 24, the right to health; Article 28, right to education and Article 29, the aims of education.
10. The Yogyakarta Principles¹² are a universal guide to human rights which affirm binding international legal standards with which all States must comply, insofar as they apply to sexual orientation, gender identity and expression, and sex characteristics. These include rights to equality and non-

⁶ See preamble to UDHR.

⁷ See preamble to ICCPR, ICESCR. The UDHR affirms both civil and political rights (such as freedom from torture and arbitrary detention) as well as economic, social and cultural rights (such as the right to education). The international community has consistently held that both sets of rights are "universal, indivisible, interdependent and interrelated" in that they apply to everyone and no category of right is more important than another, as their strength relies on their interconnectedness. See United Nations *Vienna Declaration and Programme of Action* (1993) at Part I, para 5.

⁸ *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976). See Ministry of Justice, "Constitutional Issues & Human Rights" <www.justice.govt.nz>.

⁹ *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976). See Ministry of Justice, "Constitutional Issues & Human Rights" <www.justice.govt.nz>.

¹⁰ For more information on rights of transgender students affirmed under UNCROC, the Commission recommends the Dissertation by Janette Howe "A Rights Perspective on Parent Advocacy for their Transgender Children in Aotearoa New Zealand School Settings", Auckland University of Technology School of Social Sciences and Public Policy, submitted in partial fulfilment of the requirements for a degree of Master of Human Rights, 9 October 2022 at 32-42, available at: <https://orapp.aut.ac.nz/handle/10292/15677>

¹¹ As set out in the dissertation of Janette Howe above at 36: "Concluding Observations by the CRC Committee have included specific reference to discrimination against transgender children, including their access to education (Committee on the Rights of the Child, 2016c, 2017a, 2017b). In their 2011 and 2016 concluding observations, the CRC Committee called on the New Zealand government to increase awareness and prevent discrimination against groups of vulnerable children, including transgender children, and to take affirmative action (Committee on the Rights of the Child (CRC), 2016, 2011b)".

¹² See [The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity](#) (Geneva, 2007) and [The Yogyakarta Principles plus ten: Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta Principles](#).

discrimination¹³, the right to privacy¹⁴, the right to education¹⁵ (which is also closely linked to the right to participate in public life)¹⁶, the right to the highest attainable standard of health¹⁷, and the right to sanitation.¹⁸

Domestic framework

11. Aotearoa New Zealand's commitment to affirm, protect and promote its international rights obligations is given effect to through the New Zealand Bill of Rights Act 1990 ("NZBORA"), particularly s 19 which affirms the right to freedom from discrimination, on the grounds set out in s 21 of the Human Rights Act 1993 ("HRA"). The long title to the HRA affirms that the purpose of the Act is to "provide better protection of human rights in New Zealand in general accordance with United Nations Covenants or Conventions on Human Rights" and provides that the prohibited grounds of discrimination include sexual orientation¹⁹ and sex, which the Commission considers extends to gender identity, gender expression, and sex characteristics.²⁰

Aotearoa New Zealand's obligations under Te Tiriti o Waitangi

12. The obligations of the State to tangata whenua students derive from He Whakaputanga²¹ and Te Tiriti. Te Tiriti requires the State to act in partnership with tangata whenua (article 1), protect tino rangatiratanga (article 2)²², advance equity for Māori (article 3)²³ and enable Māori customary practices and beliefs (oral article 4).

13. Long before the European colonisation of Aotearoa New Zealand, people with fluid genders and sexualities were accepted within whānau and te ao Māori.²⁴ Takatāpui is a traditional term reclaimed by some Māori to embrace both their culture and spirituality, as well as their diverse sexual orientations, gender identities and expressions, and sex characteristics. Te Reo Māori has no

¹³ Principle 2.

¹⁴ Principle 6.

¹⁵ Principle 16.

¹⁶ Principle 25.

¹⁷ Principle 17.

¹⁸ Principle 35.

¹⁹ Section 21(m).

²⁰ See Human Rights Commission, *Prism: Human Rights Issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) In Aotearoa New Zealand - A report with recommendations*, June 2020 at 14.

²¹ In 1835, rangatira signed He Whakaputanga, a declaration of "Indigenous power" that formally asserted the independence of our country as a "...Māori state, [where] power resided fully with Māori." The signing of Te Tiriti o Waitangi five years later did not nullify He Whakaputanga; rather, it is likely that Rangatira signed Te Tiriti because of the strong continuities between He Whakaputanga and Te Tiriti o Waitangi. In 2014, the Waitangi Tribunal states that it "very much" doubts that Rangatira relinquished their assertion of mana and independence in He Whakaputanga and that there are continuities between He Whakaputanga and Te Tiriti. Interpreting Te Tiriti o Waitangi therefore requires mindfulness of the declaration of mana as expressed in He Whakaputanga. See Waitangi Tribunal *He Whakaputanga me te Tiriti: The Declaration and the Treaty: The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry* (Wai 1040, 2014) at 520-521.

²² Under Article 2, te Tiriti guaranteed Māori tino rangatiratanga. This was a guarantee that Māori would be able to continue to exercise full authority over lands, homes, and all matters of importance to them, including the welfare and well-being of tamariki. Alongside its guarantee of tino rangatiratanga under Article 2, te Tiriti affirmed the principle of kāwanatanga under article 1, described by the Waitangi Tribunal as "'a power to govern and make laws, but it was a power that particularly applied to settlers, settlement and international relations, and – to the extent that it might apply to Māori – was to be used for the protection of Māori interests, and in a manner that was consistent with Māori views about what was beneficial to them". Waitangi Tribunal *He Pāharakeke, He Rito Whakakīkinga Whāruarua Oranga Tamariki Urgent Inquiry, Pre-Publication Version* (Wai 2195, 2021) at 17.

²³ Article 3 of te Tiriti accorded to Māori all the rights and privileges of British subjects. Intrinsic to Article 3 of te Tiriti is the duty upon the Crown of "active protection" which "may compel the Crown to target more resources according to need in order to reduce structural or historical disadvantage. See Wai 2195, 2021 above at 19.

²⁴ Elizabeth Kerekere "Part of the Whānau: The Emergence of Takatāpui Identity – He Whāriki Takatāpui" (PhD Thesis, Victoria University of Wellington, 2017).

gendered pronouns, and many atua (gods) did not have genders or changed genders. The adherence to binary concepts of gender was not tikanga.²⁵

14. UNDRIP is the most comprehensive and authoritative international human rights instrument dealing with Indigenous Peoples' rights. Although not a treaty, it has "significant normative weight",²⁶ and reinforces the Crown's obligations under Te Tiriti o Waitangi.²⁷ UNDRIP reinforces the Crown's obligations under Te Tiriti by elaborating on the universal right to self-determination affirmed under Articles 1 of the ICCPR and ICESCR, confirming that "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."²⁸
15. Gender-neutral bathrooms in schools align with Te Tiriti by respecting customary beliefs around gender and upholding the rangatiratanga of rangatahi to access facilities that align with their identities. The Commission urges the Crown to actively engage with tangata whenua when working through these issues, to protect and promote the mana of rangatahi and act in the spirit of active partnership required by article 2 of Te Tiriti.

Human rights concerns for trans and non-binary students accessing bathrooms in schools

16. As affirmed under international and domestic human rights law, all students have the right to the full enjoyment of their human rights and schools have an obligation to uphold these rights and provide a safe learning environment to all students.²⁹ Individual schools, through their boards of trustees ("Boards")³⁰, are responsible for proactively promoting the health and wellbeing of their students under the Health and Safety at Work Act 2015 (HSWA). Section 127(1) of the Education Act 2020 also sets out Boards' primary objectives, which are to ensure that:
 - (a) every student at the school is able to attain their highest possible standard in educational achievement; and
 - (b) the school –
 - (i) is a physically and emotionally safe place for all students and staff; and
 - (ii) gives effect to relevant student rights set out in this Act, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993; and

²⁵ Elizabeth Kerekere notes in *Takatāpui: Part of the Whānau* (Tiwhanawhana Trust and Mental Health Foundation, Auckland, 2015) that suppression of gender fluidity and sexuality by Missionaries led to suppression of takatāpui expression and subsequent erasure of their stories over time.

²⁶ Waitangi Tribunal *Whāia te Mana Motuhake - In Pursuit of Mana Motuhake: Report on the Maori Community Development Act Claim* (Wai 2417, 2015) at 34.

²⁷ Above, at 39.

²⁸ UNDRIP, article 3. See also preamble which "[a]cknowledg[es] that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development".

²⁹ The NZ Post Primary Teachers Association (PPTA) (2017) produced guidelines for secondary school principals, board of trustees and teachers on making schools safer and more inclusive for LGBTQI+ students. The guidelines emphasise that because "school boards of trustees are crown entities, they are subject to the state's international human rights obligations" (New Zealand Post Primary Teachers' Association [PPTA], 2017, p. 4).

³⁰ Identified under section 17 as a "Person Conducting a business or undertaking".

- (iii) takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school; and
- (c) the school is inclusive of, and caters for, students with differing needs; and
- (d) the school gives effect to Te Tiriti o Waitangi
17. In accordance with their rights obligations set out above, schools are required to foster high-quality teaching and learning environments where there is freedom from violence, bullying, and harassment, where individuality and diversity are respected, and where all students can participate fully. However, trans and non-binary students have repeatedly identified gendered bathrooms as a key barrier to the full realisation of their human rights.³¹
18. In his 2016 thematic report on gender equality in the realisation of human rights to water and sanitation³², the Special Rapporteur highlighted that gender-segregated bathrooms discriminate against transgender people and violate their rights to basic services (including sanitation, menstrual hygiene and toilets) through the fear of – or exposure to – bullying and violence. This can also affect their rights to health, through causing urinary tract infections, kidney problems or constipation (due to "holding on" to avoid using the bathroom)³³, and potentially causing severe mental health issues.
19. In the Aotearoa context, there is a lack of access to gender-neutral bathrooms across schools. In one recent study (*Identify*)³⁴ half of secondary school participants lacked access to gender neutral bathrooms at their schools. One in ten (10%) had been prevented from using the bathroom or changing room that matched their gender; 5% had been disciplined for doing so. One third of trans and non-binary participants reported that someone had made them feel like they were in the "wrong" bathroom or changing area.
20. In another study, *Counting Ourselves*³⁵ participants (trans and non-binary people aged 14-83 living in Aotearoa NZ) reported high rates of harassment and discrimination when using the bathroom. 43% had been told or asked if they were using the wrong bathroom, and 70% had avoided using a public bathroom in the last 12 months. For secondary school-aged participants, over half (59%) disagreed that it was safe for trans and non-binary students in their school to use a toilet or changing room that matches their gender. Less than half had access to a gender-neutral bathroom at their school.
21. Considering these findings, the Commission is concerned that trans and non-binary students across Aotearoa do not have adequate access to appropriately gendered bathroom facilities, which could breach their rights to equality and non-discrimination, education, privacy, health, and sanitation.

³¹ See *Prism*, above n 20 at 18 and 50. In a 2022 study from Western Australia, SOGIESC-diverse students also identified school bathrooms as being the least safe spaces in educational institutions, being sites of frequent verbal, physical and sexual victimisation. See: Francis et al "Gender-Neutral Toilets: A Qualitative Exploration of Inclusive School Environments for Sexuality and Gender Diverse Youth in Western Australia" *Int J Environ Res Public Health* (2022), available at: <https://pubmed.ncbi.nlm.nih.gov/36011720/>

³² *Report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/33/49)*, 27 July 2016 at paras 2, 9 and 30, available at: <https://iwlearn.net/resolveuid/cf6f02b5-7440-4363-be93-0d52b6120f11>.

³³ See American Medical Association "Exclusionary bathroom policies harm transgender students" April 17, 2019 available at: <https://www.ama-assn.org/delivering-care/population-care/exclusionary-bathroom-policies-harm-transgender-students>

³⁴ Fenaughty, J., Ker, A., Alansari, M., Besley, T., Kerekere, E., Pasley, A., Saxton, P., Subramanian, P., Thomsen, P. & Veale, J. *Identify survey: Community and advocacy report. Identify Survey Team, 2022, 40-44*, available at: https://static1.squarespace.com/static/60187146e9f9034475dea113/t/6390e802bd4e535d10b72a17/1670440980159/community_a_dvocacy_report.pdf

³⁵ Veale J, Byrne J, Tan K, Guy S, Yee A, Nopera T & Bentham R *Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand*, Transgender Health Research Lab, University of Waikato, Hamilton NZ (2019), at 62, 74, 75 available at: <https://countingourselves.nz/wp-content/uploads/2022/09/Counting-Ourselves-Report-Dec-19-Online.pdf>.

22. As set out in the Commission's *Prism* Report³⁶, implementing and promoting anti-discrimination laws and policies – through ensuring the adequate funding and provision of accessible gender-neutral bathrooms – can provide protection for students and schools, promote personal respect and physical and emotional safety, and foster belonging in the school environment, which improves the achievement and overall wellbeing of trans and non-binary students.

Legal Framework for bathrooms in schools

23. As set out in the Ministry's submission, Boards are responsible for managing the physical environments of their schools, including identifying the need to upgrade or renew bathroom facilities in accordance with their obligations to trans and non-binary students' human rights. However, as set out in more detail below, the legal framework creates barriers to trans and non-binary students' human rights when individual schools (via their Boards) are responsible for decisions relating to construction, placement and gender-designation of bathrooms, while the Ministry retains control over funding.

Lack of legal framework or oversight mechanisms regarding bathrooms in schools

24. The Ministry provides specific guidance to schools on bathroom designs “to increase inclusivity, safety, comfort, and privacy of all students”.³⁷ However, these guidelines are not binding and are “focused on the physical practicalities of use by all people”³⁸ rather than the specific rights of trans and non-binary students. Bathrooms built according to these guidelines may therefore be made gender-neutral or not, depending on whether schools use gendered signage on them.³⁹ Schools are also not required to report to the Ministry on these decisions⁴⁰ which fosters a lack of accountability and awareness on the issue.

Funding does not prioritise adequate access to gender neutral bathrooms for trans and non-binary students

25. As highlighted by this Petition and described in the Ministry's submission, Boards can only operate within the limited resourcing constraints set by the Ministry.⁴¹ Therefore, even if a Board wanted to upgrade its school's bathroom facilities to ensure better access to gender-neutral facilities, such a request would need to be “worked through” with the Ministry and “prioritised according to the level of need”. The Ministry highlights in its submission that bathrooms that have reached the end of their life or pose a safety risk will be prioritised over those which “require cosmetic enhancements”. It is therefore not clear what level of priority, if any, the Ministry assigns to ensuring access to gender-neutral facilities.
26. The Commission is aware of concerns from students where schools are either not able to, or do not wish to use funding for new builds (due to resource constraints or other concerns). In some cases,

³⁶ See *Prism*, above n 20 at 48.

³⁷ See Ministry of Education submission on this Petition, dated 7 October 2022, p 2-3, available at: https://www.parliament.nz/resource/en-NZ/53SCPET_EVI_119805_PET3434/2688b4967b75d2f178374e9dcd78253024309fc7

³⁸ Official Information Act Request to Ministry of Education under s 9(2)(a), 12 December 2022 available at: <https://assets.education.govt.nz/public/Documents/our-work/information-releases/responses-to-Official-Information-Act-requests/13000421300043-OIA-Memo-and-Response-signed-SFRedacted.pdf>

³⁹ See above.

⁴⁰ In the Official Information Act request to the Ministry, above n 38, the Ministry declined to provide details on the number of gender-neutral and other designated bathrooms at each school, since these decisions are made by individual schools, and they are not required to advise the Ministry of such decisions.

⁴¹ The Ministry sets out in its submission, above n 2, that each board is given a capital funding budget to be used over five years, to upgrade, modernise or replace existing school buildings, known as Five-Year Agreements (5YAs) which are the primary mechanism for upgrading bathroom facilities. However, the prioritisation of each project to be funded through the 5YAs is based on a school's Ten-Year Property Plan, where the Ministry prioritises different projects according to need.

schools simply convert existing infrastructure or rely on existing accessible bathrooms to create gender-neutral options for trans and non-binary students. Many trans and non-binary students have complained that in these instances, they were advised to use staff bathrooms or accessible toilets, which have been in difficult locations in the school, for example:⁴²

- a. Requiring them to seek permission to walk through the staffroom for access;
- b. Requiring them to walk the length of the school grounds for access; and/or
- c. Requiring them to use bathrooms in conspicuous locations where they felt “outed” just by being seen going into one of these structures.

27. The issues raised in our submission highlight the Commission’s key concerns as follows:

- a. First, while the Commission acknowledges the additional capital funding for boards to accelerate property upgrade works through the *School Investment Package*, projects are prioritised according to the level of need, without any apparent regard to the specific rights of trans and non-binary students.
- b. Second, even when the Ministry approves funding and gives clear guidance on the design of gender-neutral bathrooms, the decision about whether and how to build those bathrooms – including how many, their location and accessibility, and the extent to which they are designated by gender or not, ultimately lies with school boards.
- c. Third, the fact that the Ministry guidelines are not grounded in human rights nor binding on schools arguably creates confusion and fuels misinformation and fear regarding schools’ human rights obligations to trans and non-binary students, thus potentially inhibiting schools from acting on the issue.
- d. Third, when schools are not legally required to ensure access to gender-neutral bathrooms or report to the Ministry on the provision or accessibility of such bathrooms, this creates a lack of oversight, accountability and awareness as to the extent of the issue across Aotearoa, which inhibits schools from addressing the issue and hinders policy development.

28. The Commission therefore appreciates the request of this Petition which is focused on securing funding for gender-neutral bathrooms. However, as illustrated above, there is also a need for stronger legislative and regulatory mechanisms to ensure the rights of trans and non-binary students are consistently upheld throughout schools in Aotearoa.

Our recommendations to the Committee

29. The Commission therefore recommends the Committee actively engages with tangata whenua and affected Rainbow organisations and individuals on the issues set out in this submission, and consider the following:

- a. The development of a legislative and regulatory framework (including a requirement to report to the Ministry on access to gender-neutral bathrooms) that is grounded in human rights, requiring all schools to provide adequate access to gender-neutral bathrooms;

⁴² See also Primary Parent Teachers’ Association *Affirming diversities of sexualities and gender identities in the school community: Guidelines for principals, boards of trustees and teachers*, May 2017, at 15-16, available at: <https://www.ppta.org.nz/communities/lgbtiq/document/226>.

- b. Mandatory reporting by schools to the Ministry on the location, accessibility, number and features of gender-neutral bathrooms; and
 - c. Increased funding to schools for the specific purpose of ensuring adequate access to gender-neutral bathrooms for trans and non-binary students.
30. Lastly, the Commission wishes to highlight that issues surrounding access to gender-neutral toilets are also highly prevalent for disabled students. Indeed, disabled students have the same rights to access gender-neutral bathrooms as other students. Schools are also required to reasonably accommodate disabled students⁴³, which includes ensuring the provision of accessible bathrooms.
31. Most accessible bathrooms are gender-neutral, and bathrooms built according to the Ministry's guidelines can be made gender-neutral, which suggests that gender-segregated bathrooms are not necessary. Moreover, some people require personal support for toileting, which might come from people who are a different gender from them. Thus gender-segregated bathrooms can pose a barrier to ensuring the provision of that support.
32. The Commission thanks the Committee for the opportunity to present this submission and welcomes any questions on our submission.

⁴³ Under the Human Rights Act 1993 and under international law, notably the United Nations Conventions on the Rights of Persons with Disabilities