

Oral Item for Cabinet - Tuesday 25 March 2008
Government Response to the Human Rights Commission's Transgender Report

- Cabinet is advised of the decisions taken to date in response to the Human Rights Commission's Transgender Report.

Background

- The Commission's Inquiry into the Discrimination Experienced by Transgender People commenced in 2006, and focused on three areas: experiences of discrimination, access to health services (including but not limited to gender reassignment), and barriers to legal recognition of gender status.
- Over 18 months, the Inquiry met with a diverse range of people generically identifiable as "trans people" – having in common the struggle to come to terms with who they are, to have others accept them, and to be able to live fulfilled lives in the sex they know themselves to be. The Inquiry also consulted with community groups, health professionals, academics and government agencies, including the Ministry of Justice.
- The Report (released in January 2008) highlights a disproportionately high incidence of unlawful discrimination being suffered by transgender people, and highlights four areas for immediate attention:
 - increasing participation of trans people in decisions that affect them;
 - strengthening legal protections to make discrimination against trans people unlawful;
 - improving access to health services (including gender reassignment services);
 - simplifying requirements for change of sex on a birth certificate, passport, and other documents.

Decisions to date

- The extent of collaboration required to assess and implement the Commission's recommendations requires a degree of oversight and coordination. I have therefore directed the Ministry of Justice to coordinate the assessment and (where necessary) implementation of the Report's recommendations.
- Existing protection against discrimination for transgender people under the definition of "sex" in section 21(1)(a) of the Human Rights Act 1993 means that an amendment to include "gender identity" would be largely symbolic. The objectives of such a change could feasibly be achieved through an education and awareness programme. I have decided that legislative amendment is unnecessary.
- A formal response to the Report is likely to be publicly divisive and time consuming. I have therefore decided to instead write to the Chief Human Rights Commissioner commending the Commission's efforts in completing the world's first inquiry by a national human rights institution into discrimination experienced by transgender people, and advising that I have directed the Ministry of Justice to assume a coordination role.
- I will also write to each of my Ministerial colleagues requesting the support of the agencies within their respective portfolios.

Hon Lianne Dalziel
Associate Minister of Justice