

NSW election survey: Intersex Human Rights and Health Issues

The Greens were the first political party in Australia to affirm the Darlington Statement and we are committed to continue working with peer-led intersex groups, individuals, human rights experts and health professionals to realise the human rights and dignity of all people who are born with variations of sex characteristics.

Will any government The Greens participates in:

Part 1: Bodily integrity, and freedom from harmful practices

1. *Protect infants, children and adolescents born with intersex variations from forced/deferrable medical interventions intended to modify our sex characteristics?*

Yes. The Greens support the UN Committee on the Elimination of Discrimination Against Women recommendation to adopt clear legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent.

In 2015, Greens MP Jenny Leong [called on the NSW government](#) to implement the recommendations of the Senate's Community Affairs Committee into "Involuntary or coerced sterilisation of intersex people in Australia", including the recommendation that medical treatment of people born with intersex variation takes place under guidelines that favour deferral of normalising treatment until the person can give fully informed consent.

2. *Ensure the establish lifetime standards of care for healthcare pathways for people born with intersex variations, devised and reviewed with meaningful consultation with peer-led intersex organisations?*

Yes. The Greens strongly support community led reforms in this area.

3. *Ensure effective, independent human rights-based oversight for all relevant medical interventions?*

Yes.

4. *Ensure that individuals, parents and families are able to access adequately resourced, independent and affirmative peer support?*

Yes. The Greens support the Darlington Statement's call to establish mandatory independent access to funded counselling and peer support for families and individuals.

5. *Resource intersex-led organisations to provide peer and family support, and systemic and individual advocacy?*

Yes.

6. *Make a formal apology to individuals who have undergone forced or coercive medical practices intended to make our bodies more typically female or male?*

Yes. The Greens support the call in the Darlington Statement for the NSW Government to acknowledge and apologise for the treatment of people born with variations of sex characteristics.

In 2015, Greens MP Jenny Leong made [a statement to the NSW Parliament](#), acknowledging the infringement of the human rights of people born with intersex variations caused by current and past medical practices.

7. *Provide redress to people who have undergone such forced or coercive medical practices?*

Yes.

8. *Provide resourced access to ongoing medical, psychological, and reparative treatments for individuals who need them?*

Yes.

Part 2: Freedom from discrimination

In November 2018, Greens MPs Tamara Smith and Jenny Leong introduced the Anti-Discrimination Amendment (Removal of Exemptions and Other Reforms) Bill 2018 to the NSW Parliament. Unfortunately the bill lapsed before it was able to be debated but The Greens commit to re-introducing it as a priority when Parliament resumes.

1. *Implement reforms to anti-discrimination law to protect intersex and other people on grounds of "sex characteristics"?*

Yes. One of the key aims of the bill introduced by the Greens in 2018 was to strengthen protections in the Act for people born with intersex variations by including 'sex characteristics' as a stand alone protected attribute.

The Greens commit to re-introducing this bill as a priority when Parliament resumes.

2. *Ensure that no religious exemptions are created?*

Yes. The Greens are committed to removing all exemptions from the Anti-Discrimination Act in NSW that currently allow for private educational institutions, religious organisations and small business to discriminate, and will not support the creation of any new exemptions.

The bill introduced by The Greens in 2018 aimed to repeal all sections which currently allow for this discrimination, including 56(c), 56(d), 59(a), 38(c), 38(k), 49(zh) and 49(z). The Greens commit to re-introducing this bill as a priority when Parliament resumes.

3. *End exemptions that discriminate in sport against women born with intersex variations who have lived their entire lives as women?*

Yes.

4. *Ensure that intersex people who need it are able to access reasonable adjustments in workplaces?*

Yes.

Part 3: Education

In affirming the Darlington Statement, The Greens acknowledge the impacts of stigma, trauma and medical interventions on access to education and the high rates of early school leaving.

1. *Ensure that school biology and human development curricula include respectful material on intersex variations?*

Yes.

2. *Promote teacher training on intersex-inclusive education?*

Yes.

3. *Ensure that intersex students are supported in schools through access to appropriate psychosocial supports including peer support?*

Yes.

Part 4: Sex,gender recognition and data collection

- 1. *Ensure that intersex people are not treated as a third sex, by ensuring that guidelines and policies in relation to sex and gender refer to a third classification as “nonbinary” and not terms such as “intersex/indeterminate/unspecified” which refer to intersex?***

Yes.

- 2. *Ensure that government guidelines make sure that individuals who need to correct or change registration details are able to do so without proof of surgery?***

Yes. The Greens support self-identification as the key factor for those who wish to amend their identity documentation. It is unacceptable that changing identity documentation is reliant on surgical intervention or medical assessment. We believe such changes to identity documentation should be able to be done by a statutory declaration.

This formed a central component of the recently announced [Equality and Frivolity without Fear platform](#) which outlined the NSW Greens plan for an inclusive and fun future for all of us.

- 3. *Ensure that data on sex and gender is only collected when and where necessary for a legitimate purpose?***

Yes.

- 4. *Resource research on effective inclusion and data collection with meaningful community input?***

Yes.

- 5. *Ensure that publicly-funded research on people born with intersex variations benefits from meaningful community input?***

Yes.

Part 5: Whole of government

1. *Acknowledge the Darlington Statement as a guide to intersex policy development in Australia?*

Yes. The Greens affirm the Darlington Statement and commit to adhering to its guiding principles in all policy development.

2. *Commit to meaningful and effective consultation and inclusion of intersex-led organisations in policy development, both within and outside LGBTI frameworks?*

Yes.