

SENATOR JANET RICE

Greens Senator for Victoria



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11/04/2019

Morgan Carpenter
Co-executive Director
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Bonnie Hart
President
AIS Support Group Australia
PO Box 103
Coorparoo QLD 4151
Australia

Via email: morgan.carpenter@ihra.org.au & bonnie@aissga.org.au

Dear Bonnie and Morgan,

Thank you for the opportunity to respond to the Intersex Human Rights Australia (IHRA) and Androgen Insensitivity Syndrome Support Group Australia (AISSGA)'s questionnaire.

Please see The Australian Greens' responses below.

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

Yes, people born with variations in sex characteristics have the right to bodily integrity, including personal consent to medical or surgical interventions. The Greens will ensure that the rights of intersex people, including intersex infants, children and adolescents, are protected in law by requiring fully informed personal consent before any deferrable medical interventions that alter sex characteristics can be performed.

Ensure the establishment of lifetime standards of care for healthcare pathways for people born with intersex variations, devised and reviewed with meaningful participation with peer-led intersex organisations?

Yes, the Greens will establish a national LGBTIQ+ health strategy to ensure all LGBTIQ+ people have access to holistic and comprehensive health services. It will include national standards and

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training for health professionals to ensure they can provide world class care to people born with intersex variations. We will also provide dedicated funding for intersex organisations to support sustainable advocacy and ensure that peer-led intersex organisations have the resources to carry out this consultation work.

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

Yes, as stated above, the Greens will protect the rights of people born with intersex variations in law by requiring fully informed personal consent before any deferrable medical interventions that alter sex characteristics can be performed.

We will also establish intersex advisory boards to the Department of Health and the Attorney General's' department. These advisory boards will advise on best practice and work with the departments to ensure that Australia's health system is reformed and that the human rights and dignity of all intersex people is upheld. These boards will consist of ethicists, human rights experts, specialist clinicians, and intersex community members with lived experience.

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

Yes, the Greens recognise the importance and benefits of affirmative peer support for people born with variations of sex characteristics and their families. Through the Greens' \$70mil LGBTIQ+ grants program, we will invest in intersex-led peer support organisations to run in-person and online peer support programs.

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

Yes, the Greens understand the importance of systemic advocacy and recognise the vital work of organisations such as Intersex Human Rights Australia (IHRA). The LGBTIQ+ grants scheme will provide dedicated funding to intersex organisations to ensure the sustainability of their work in advocating for the human rights of intersex people, improving policy, educating the public and private sector and providing legal support to people with intersex variations and their families.

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 recognise the lifelong trauma caused to intersex people who have undergone forced or coercive medical interventions, in particular from interventions performed on intersex



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infants, children and adolescents. The Greens will ensure that those people born with variations in sex characteristics who have been subjected to non-emergency invasive and irreversible medical interventions are extended formal apologies. We will consult with the intersex community to ensure that an apology is meaningful and specific to those affected.

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

In addition to formally apologising to individuals who have undergone forced or coercive medical practices, the Greens will establish a national redress scheme to provide access to restorative justice and compensation. Compensation measures may include monetary compensation, as well as vital access to medical, psychological and reparative treatments and services. We will consider current redress schemes and fund evidence-based research to determine an appropriate redress model. We will also work with the intersex community to ensure that a redress scheme appropriately meets the needs of those intersex individuals affected.

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

Through the Greens' national LGBTIQ+ health strategy and access to an appropriate redress scheme, the medical care needs of people born with variations in sex characteristics will be prioritised. Our plan will ensure that all intersex people have access to world class healthcare and ensure that those who have been subjected to forced or coerced medical practices and surgeries will have access to the medical, psychological and restorative treatments they need.

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

Yes, the Greens have long opposed exemptions to anti-discrimination laws that legalise discrimination on the basis of sex characteristics. We will continue to work towards reforming our laws to be consistent with with the Yogyakarta Principles on the Application of International Human



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Rights Law in relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics, and other international human rights instruments, until no intersex person is at risk of discrimination or stigmatisation.

Ensure that no religious exemptions are created?

Yes, the Greens acknowledge that intersex people have become unnecessarily implicated in the religious freedoms debate due to their association with the wider LGBTIQ+ community.

Unfortunately this has resulted in exemptions for discrimination on the basis of intersex status or sex characteristics in some anti-discrimination laws. The Greens will work to ensure that these are removed, and that no new religious exemptions for sexuality, gender identity or sex characteristics are implemented.

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

Everyone, no matter their gender identity, sexuality or sex characteristics should have access to safe and welcoming sporting opportunities. The Greens are committed to removing discrimination against intersex, and transgender and gender diverse athletes in competitive sport.

We recognise that stigmatisation, exclusion and discrimination are still significant barriers to the sports participation of intersex people, particularly in women's sport. The Greens will commit to funding inclusive sport programs, and to provide training and resources to grassroots sporting clubs on how to provide safe, welcoming and LGBTIQ+ inclusive sporting environments.

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

Yes, the Greens believe that workplaces should be respectful and sensitive to the needs of people born with variations in sex characteristics. We will ensure the development of education, training and accreditation programs aimed at increasing understandings of how best to include LGBTIQ+ people and eliminate discrimination and prejudice based on intersex status in the workplace.

Ensure that school biology and personal development curricula include respectful material on intersex variations?

Yes, the Greens have committed to ensuring that Australia's education system provides accurate and appropriate information to students about the diversity of intersex variations.

Promote teacher training on intersex-inclusive education?

Yes, we will provide training and resources to teachers on LGBTIQ+ issues, including intersex variations, to ensure teachers are equipped with the knowledge and tools to make schools inclusive and welcoming environments for students born with variations in sex characteristics.

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

Yes, the Greens acknowledge that the mental health of LGBTIQ+ people is among the poorest in Australia. We know that education, support and acceptance improves the mental wellbeing and lives of LGBTIQ+ young people and whole school communities. The Greens will scrap the School Chaplains Program and invest the money in secular, unbiased and inclusive support for students through counsellors and anti-bullying initiatives such as the Safe Schools Program. Through the Greens' \$70mil LGBTIQ+ grants program, we will invest in intersex-led peer support organisations to run in-person and online peer support programs.

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, the Greens are committed to ensuring that the sex or gender markers used in official records are sensitive to the actual legal and social status of intersex people, whilst remaining inclusive to transgender and gender diverse Australians.

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, intersex people should be able to alter their sex or gender on all official documents, consistent with how they live and identify without the requirement of surgery.



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

Yes, the Greens will ensure that sex or gender information in official records only be recorded where necessary. When sex or gender is necessary information to collect in official records, we will ensure that sex and gender markers are sensitive to intersex people

Resource research on effective inclusion and data collection with meaningful community input?

Yes, we will resource the Australian Bureau of Statistics and other relevant agencies to improve statistical data collection on people born with intersex variations and their families. The Greens' LGBTIQ+ Ministerial Advisory Group along with the Greens' Intersex advisory groups will ensure that research projects and data collection are made in accordance with the interests of the intersex community.

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

Yes, the Greens' LGBTIQ+ Ministerial Advisory Group, along with the Greens' Intersex advisory groups, will ensure that publicly-funded research on people born with intersex variations is funded only after meaningful consultation with the intersex community.

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

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Yes, the Australian Greens acknowledged and affirmed the Darlington Statement in 2018. We will continue to refer to the statement to ensure all of our policies and decisions are consistent with its aims.

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

Yes, the Greens acknowledge that the needs of intersex people and their families are not always addressed through LGBTIQ+ and mainstream frameworks. We will ensure that governments and their agencies consult with intersex communities and their representatives, on the development of policies and programs relevant to them.

Thank you again for the opportunity to respond to IHRA and AISSGA's election priorities.

Please contact my office or the Office of Richard Di Natale should you have any queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Janet Rice'.

Senator Janet Rice

Greens Spokesperson for LGBTIQ+ Issues

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