

Elizabeth Broderick [elizabeth.broderick@humanrights.gov.au]

55th session of CSW

Dear Kathy,

Thanks so much for providing this feedback. I also want to thank you for the similar feedback you sent in response to the statements I issued for International Day to Eliminate Violence against Women, in November 2010.

In both regards I note that the main concern is the lack of reflection of Trans women in the statements I have issued and so I thought it would be useful if I clarified my approach.

Both statements, namely in relation to CSW and the International Day to Eliminate Violence Against Women, were aimed to address the issues, as they pertained to *all* women in Australia. As I have been addressing these issues at a national level, in neither statement did I aim to identify the specific groups of women that were included, such as Trans women, or Indigenous women, women with disabilities, culturally and linguistically diverse women, among others. You will note a similar approach being taken in my messages around International Women's Day.

However, in instances where it is necessary to identify specific groups of affected women, I would of course include Trans women. I recognise that Trans women face significant and disturbing levels of discrimination on the basis of their sex identity and/or gender identity, and the protection of the rights of Trans women is an important that does not often get the visibility that it requires.

As you are aware, the Commission has conducted a short consultation regarding federal protection from discrimination on the basis of sexual orientation and sex and/or gender identity, and I understand that you were able to participate in that consultation. The purpose of the consultation was to consider the possible inclusion of protections against discrimination on the basis of sexual orientation and sex and/or gender identity in federal anti-discrimination law. The report is currently being finalized.

I also note that the Commission expressed its concerns to the Senate Committee about the proposed amendments Sex and Age Discrimination Legislation Amendment Bill 2010 that pertain to *the official records of a person's sex*:

1. The Commission is concerned that the exemption contained at Item 62^[1] of the Bill will allow States and Territories to continue to discriminate against people who wish to alter the official record of their sex on identity documents (such as birth certificates) on the basis of their marital status.
2. The Commission trusts that, if enacted, this exemption will be temporary and encourages the Government to take a leadership role in ensuring that there is a nationally consistent approach to the legal recognition of sex official records.

The Senate Committee issued its report this week, which reflects these concerns highlighted by the Commission.

You mention in your feedback an example from the USA of how Trans women could be properly supported. Unfortunately I did not receive the attachment. But I am always keen to hear about effective strategies so please feel free to forward this information to me. I would also be happy to receive any other relevant information.

Warm regards,

Liz

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Dear Liz,

Thank you for your response, as it at last gives us some hope that Trans women will receive the recognition that we deserve. I will send you some items of interest so that you can ascertain some of the problems we still face.

I was told in October and November 2010 that current discrimination made at State and Territory levels against Trans women and men, would continue unabated. Our main concern is that if we stay married after surgery we cannot amend our birth certificate. This is covered in what I will forward to you.

Love and Peace, Kathy