



Submission on Pae Ora (Health Futures) Bill

9 December 2021

Te Ngākau Kahukura is a national initiative that works to change systems and environments around rainbow¹ people to make sure they are affirming, welcoming and non-discriminatory. We work with professionals, organisations and wider systems that provide health, social and education support to people in Aotearoa. We provide advice, best practice guidance and training to support systems change.

Our vision is an Aotearoa where rainbow people grow up feeling safe, valued and like they belong in the places where they live, learn and access healthcare and social support.

Thank you for the opportunity to comment on this Bill.

We support the intent of the Pae Ora (Healthy Futures) Bill	2
A takatāpui and rainbow health strategy is needed to achieve pae ora	2
Takatāpui and rainbow people experience significantly poorer health outcomes	2
Our experiences of the healthcare system are inequitable	3
As a population, we have specific healthcare needs that are not being consistently met	4
Takatāpui and rainbow health has been under-recognised in strategy	5
A specific population health strategy would coordinate effort and ensure progress	5
We recommend the following additions to the Bill	6
1. Definitions	6
2. Health system principles	6
3. Minister's role	6
4. Key health documents	6
5. Government Policy Statement	6
6. Takatāpui and Rainbow Health Strategy	6

¹ We use *rainbow* as an umbrella term to describe people whose sexual orientation, gender identity, gender expression and/or sex characteristics differ from majority, binary norms. This include people who identify with terms like takatāpui, lesbian, gay, bisexual, intersex, transgender, queer, non-binary or fa'afafine, as well as people who don't use specific words for their identity, people whose identity changes over time, and people who are in the process of understanding their own identity and may not have 'come out' to themselves or others. It's estimated that people under the rainbow umbrella make up between 6 and 15% of New Zealand's population.

We support the intent of the Pae Ora (Healthy Futures) Bill

We support the intention of the Bill to create a health system that promotes, protects and improves health, reduces health disparities between population groups, and builds towards pae ora for all New Zealanders. We support the Bill's approach to develop a system that prioritises Māori health, and establishes a Māori Health Authority, as a key shift towards a health system that better reflects the Crown's obligations and role outlined in Te Tiriti o Waitangi.

This submission asks that the Bill recognises the takatāpui and rainbow population as a priority group, and puts in place a requirement for the health system to develop a national strategy to address health disparities and provide for population-specific health needs.

A takatāpui and rainbow health strategy is needed to achieve pae ora

As a population, takatāpui and rainbow people experience significantly poorer health outcomes than other New Zealanders. Our experiences of the healthcare system are inequitable, related to the ways that takatāpui and rainbow identities have been historically understood as illnesses. As well as requiring the same range of health services as other New Zealanders, we also have specific healthcare needs related to our takatāpui and rainbow experiences, including gender affirmation and support for innate variations of sex characteristics.

Achieving pae ora for our takatāpui and rainbow whānau will require sustained effort, and ongoing provision of population-specific health services. These issues have long been under-recognised and poorly articulated within health strategies and plans at a national and regional level. This Bill provides an opportunity to make a significant difference to the health of takatāpui and rainbow New Zealanders by requiring the health system to develop and report on a specific takatāpui and rainbow health strategy.

Takatāpui and rainbow people experience significantly poorer health outcomes

Over the last two decades, research has consistently found that the takatāpui and rainbow population experiences significantly poorer health outcomes than other New Zealanders. For example,

- Stats NZ's Household Economic Survey for the year ended June 2020 found LGBT+ adults were more likely to experience anxiety and depression than their peers.²
- The *Counting Ourselves* survey³ found transgender and non-binary teenagers and adults were significantly more likely to be experiencing high levels of psychological distress (71% compared with 8% in the general population).⁴
- The University of Auckland's *Youth'19* study found significantly higher rates of depressive symptoms and suicidality for rainbow secondary school students, particularly for those who were also Pacific, Māori or disabled.⁵

² Stats NZ. (2021). *LGBT+ population of Aotearoa: Year ended June 2020*. Retrieved from Stats NZ: <https://www.stats.govt.nz/reports/lgbt-plus-population-of-aotearoa-year-ended-june-2020>

³ Veale, J., Byrne, J., Tan, K. K., Guy, S., Yee, A., Nopera, T. M. L., & Bentham, R. (2019). *Counting ourselves: the health and wellbeing of trans and non-binary people in Aotearoa New Zealand*. Transgender Health Research Lab, University of Waikato.

⁴ Tan, K. K., Ellis, S. J., Schmidt, J. M., Byrne, J. L., & Veale, J. F. (2020). Mental health inequities among transgender people in Aotearoa New Zealand: findings from the Counting Ourselves Survey. *International Journal of Environmental Research and Public Health*, 17(8), 2862.

⁵ Roy, R., Greaves, L. M., Peiris-John, R., Clark, T., Fenaughty, J., Sutcliffe, K., Barnett, D., Hawthorne, V., Tiatia-Seath, J., & Fleming, T. (2021). *Negotiating multiple identities: Intersecting identities among Māori, Pacific, Rainbow and Disabled young people*. The Youth19 Research Group, The University of Auckland and Victoria University of Wellington, New Zealand.

- A community-led submission to the Government Inquiry into Mental Health and Addiction, outlined other research into mental health disparities.⁶ The Inquiry's report, *He Ara Oranga*,⁷ recognised rainbow health inequities.

The causes of these health inequities are understood to be broad-ranging experiences of social exclusion and discrimination related to rainbow identities^{8, 9, 10, 11}, including poor access to gender-affirming healthcare for transgender people¹² and harmful medical practices for intersex people.¹³

Our experiences of the healthcare system are inequitable

Compared with other New Zealanders, rainbow people are less likely to be able to access healthcare when it is needed, more likely to delay or avoid access because they anticipate discrimination or judgement, and more likely to receive unsatisfactory care.^{14,15,16,17,18, 19,20} For example:

- The *Youth 2012* study found that transgender and sexual minority high school students were more than twice as likely to be unable to access health care compared with their heterosexual and non-transgender peers.^{21, 22}

⁶ Clunie, M. (2018). *Rainbow communities, mental health and addictions: A submission to the government inquiry into mental health and addiction—Oranga Tāngata, Oranga Whānau*.

⁷ Patterson, R., Durie, M., Disley, B., Tiatia-Seath, S., & Tualamali'i, J. (2018). *He Ara Oranga: Report of the government inquiry into mental health and addiction*.

⁸ Treharne, G. J., Riggs, D. W., Ellis, S. J., Flett, J. A., & Bartholomaeus, C. (2020). Suicidality, self-harm, and their correlates among transgender and cisgender people living in Aotearoa/New Zealand or Australia. *International Journal of Transgender Health*, 1-15.

⁹ Clunie (2018) as above.

¹⁰ Robertson, S. (2017). *All of Us: Minority Identities & Inclusion in Aotearoa New Zealand*. Retrieved from: <https://theallofusproject.net/>

¹¹ Kerekere, E. (2015) *Takatāpui: Part of the whānau*. Auckland: Tiwhanawhana Trust and Mental Health Foundation.

¹² Professional Association for Transgender Health Aotearoa. (2020). *Transgender Health: Briefing to the Incoming Minister of Health 2020 from the Professional Association of Transgender Health Aotearoa*. Retrieved from PATHA: <https://patha.nz/News/10131838>

¹³ Intersex Trust of Aotearoa New Zealand. (2018). *Situation of Intersex Persons in Aotearoa/ New Zealand – 3rd Cycle Universal Periodic Review Fact Sheet*. Retrieved from Human Rights Commission: <https://www.hrc.co.nz/our-work/international-reporting/universal-periodic-review/>

¹⁴ Veale et al, 2019, as above.

¹⁵ Clark, T. C., Lucassen, M. F. G., Bullen, P., Denny, S. J., Fleming, T. M., Robinson, E. M., & Rossen, F. V. (2014). The health and well-being of transgender high school students: Results from the New Zealand Adolescent Health Survey (Youth'12). *Journal of Adolescent Health*, 55, 93-99.

¹⁶ Birkenhead, A. & Rands, D. (2012) *Let's talk about sex... (sexuality and gender): Improving mental health and addiction services for Rainbow Communities*. Auckland, New Zealand: Auckland District Health Board, OUTline and Affinity Services.

¹⁷ Lucassen, M.F.G., Clark, T. C., Moselen, E., Robinson, E.M., & The Adolescent Health Research Group. (2014). *Youth'12 The Health and Wellbeing of Secondary School Students in New Zealand: Results for Young People Attracted to the Same Sex or Both Sexes*. Auckland, New Zealand: The University of Auckland.

¹⁸ RainbowYOUTH & We Are Beneficiaries. (2018). *Out Loud Aotearoa: Sharing the stories and wishes of queer, gender diverse, intersex, takatāpui, MVPFAFF and rainbow communities around Aotearoa's mental health and addictions services*. Retrieved from RainbowYOUTH: https://s3-ap-southeast-2.amazonaws.com/ry.storage/OutLoud_Report_Web_Final.pdf.

¹⁹ Fraser, G. (2019). *The Rainbow Mental Health Support Experiences Study: Summary of Findings*. Retrieved from: <https://drive.google.com/file/d/1sr3wckwT0taljQ62oZltBYnou1-ijeFB/view?pli=1>

²⁰ Adams, J., Dickinson, P. and Asiasiga, L. (2012) *Mental health promotion and prevention services to gay, lesbian, bisexual, transgender and intersex populations in New Zealand: Needs assessment report*. Retrieved from Te Pou: <https://www.tepou.co.nz/uploads/files/resource-assets/mental-health-promotion-and-prevention-services-to-glbti-populations-in-nz-needs-assessment-report.pdf>.

²¹ Clark et al, 2014, as above.

²² Lucassen et. Al. (2014) as above.

- In *Counting Ourselves*,²³ over a third of participants (36%) had avoided seeing a doctor when they needed to because they were worried about disrespect or mistreatment as a trans or non-binary person.

These inequitable experiences of healthcare services can relate to lack of training and formal professional expectations for service providers, environments and systems that are not designed to be inclusive for takatāpui and rainbow people, and a lack of appropriate services.²⁴

One reason for these barriers is that rainbow identities have historically been understood as medical problems. Homosexuality was formally defined as a mental illness before 1973²⁵ and continued to be treated as pathological after that time, transgender identities have until recently been defined as mental health issues,²⁶ and intersex variations are still often considered “disorders of sex development”.²⁷ Content on takatāpui and rainbow health is absent or limited in many professional health training programmes,²⁸ and many health professionals have not had opportunities to learn about rainbow identities, experiences and healthcare needs in a non-pathologised framework.

As a population, we have specific healthcare needs that are not being consistently met

As a population, takatāpui and rainbow people need access to timely, good quality healthcare services to meet population-specific needs.

For many transgender people, gender-affirming healthcare is essential to their wellbeing. Gender-affirming healthcare that increases congruence between a person’s body and their gender or sense of self, and can include counselling and psychosocial support, hair removal, voice therapy, puberty blockers, gender-affirming hormones and surgeries. The Professional Association for Transgender Health Aotearoa described in their 2020 Briefing to the Incoming Minister of Health how access to gender-affirming healthcare is limited and generally inadequate across Aotearoa.

Intersex people are often subject to “normalising” medical interventions that aim to change their innate variations of sex characteristics.²⁹ These include surgeries performed on children, which have been criticised by United Nations bodies and other human rights advocates.³⁰ Significant work is needed to develop a rights-based and child-centred intersex healthcare approach in Aotearoa.³¹

²³ Veale et al, 2019, as above.

²⁴ Professional Association for Transgender Healthcare (2020), as above.

²⁵ Drescher, J. (2015). Out of DSM: Depathologizing homosexuality. *Behavioral sciences*, 5(4), 565-575.

²⁶ In May 2019, the World Health Assembly formally adopted the eleventh revision of the International Classification of Diseases (ICD-11), which no longer lists trans identities in the Mental and Behavioral Disorders chapter. See International Statistical Classification of Diseases and Related Health Problems (ICD-11) available at: <https://www.who.int/news-room/detail/25-05-2019-world-health-assembly-update>

²⁷ interACT. (n.d.). interACT Statement on Intersex Terminology. Retrieved from: <https://interactadvocates.org/interact-statement-on-intersex-terminology/>

²⁸ Taylor, O., Rapsey, C. M., & Treharne, G. J. (2018). Sexuality and gender identity teaching within preclinical medical training in New Zealand: content, attitudes and barriers. *The New Zealand Medical Journal*, 131(1477), 35-44.

²⁹ Intersex Trust Aotearoa New Zealand. (2021). What is intersex? Retrieved from ITANZ: <http://www.ianz.org.nz/what-is-intersex/>

³⁰ New Zealand Human Rights Commission. (2020). PRISM: human rights issues relating to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in Aotearoa New Zealand.

³¹ Intersex Trust Aotearoa New Zealand. (2021b). Intersex Awareness Day 2021. Retrieved from ITANZ: <http://www.ianz.org.nz/2021/10/intersex-awareness-day-2021-nz-government-promises-to-create-a-rights-based-child-centred-approach-to-intersex-healthcare-in-aotearoa/>

In addition to gender-affirming healthcare and intersex health, takatāpui and rainbow people have particular healthcare needs across reproductive health, sexual health, and mental health^{32, 33}.

Takatāpui and rainbow health has been under-recognised in strategy

Community advocates have long called for recognition of takatāpui and rainbow health equity in national health strategies^{34, 35, 36, 37, 38}.

There has been a slow increase in recognition of takatāpui and rainbow health needs in recent years, including in *He Ara Oranga* and the response to the Inquiry into Mental Health and Addiction, and in the appointment of an Associate Minister of Health with responsibility for Rainbow Health, which has seen the first investment into gender-affirming genital surgeries³⁹ and rainbow youth mental health⁴⁰, and a recent groundbreaking statement in support of rights-based intersex health⁴¹.

A specific population health strategy would coordinate effort and ensure progress

A takatāpui and rainbow health strategy would provide the vehicle and opportunity to address health inequities and ensure consistent, adequate provision of rainbow-specific health services across the country.

As a minority population with specialist health needs, takatāpui and rainbow health would not be best served through a solely locality-based model – some services and standards would need to be developed and provided at a national level. On the other hand, as a population that is part of every community and demographic, takatāpui and rainbow people need a healthcare system that can provide safe, accessible care to meet their general health needs wherever they live.

A strategy would enable national leadership, and would require takatāpui and rainbow health teams within Health New Zealand and the Māori Health Authority to operationalise the strategy, and ensure that takatāpui and rainbow needs are reflected across locality plans, the New Zealand Health Charter and the Code of Consumer Participation.

³² OUTLine. (2019). *Name rainbow communities: a submission to the Mental Health and Wellbeing Commission Bill*. Retrieved from <https://outline.org.nz/wp-content/uploads/2020/01/Name-rainbow-communities-submission-to-the-Mental-Health-and-Wellbeing-Commission-Bill.pdf>

³³ Clunie (2018), as above.

³⁴ Adams, J., Dickinson, P. and Asiasiga, L. (2012), as above

³⁵ OUTLine. (2019), as above.

³⁶ Clunie (2018), as above.

³⁷ Professional Association for Transgender Health Aotearoa (2020), as above.

³⁸ Te Ngākau Kahukura. (2020). Submission to the Ministry of Health on: COVID-19 Psychosocial and Mental Wellbeing Recovery Plan Kia Kaha, Kia Māia, Kia Ora Aotearoa. Retrieved from: <https://static1.squarespace.com/static/5db7614cb2b9f86491787a93/t/5f2a7a17ecd0d71005848ad1/1596619305045/Te+Ng%C4%81kau+Kahukura+submission+on+COVID-19+psychosocial+recovery+plan+June+2020.pdf>

³⁹ Norman, C. (2019). *Rainbow community gives thumbs up to funding boost for gender reassignment surgery*. Retrieved from TVNZ: <https://www.tvnz.co.nz/one-news/new-zealand/rainbow-community-gives-thumbs-up-funding-boost-gender-reassignment-surgery>

⁴⁰ Ardern, Rt Hon J. & Little, Hon A. (2021) First ever nationwide funding of mental health services for Rainbow young. Retrieved from Beehive: <https://www.beehive.govt.nz/release/first-ever-nationwide-funding-mental-health-services-rainbow-young>

⁴¹ Intersex Trust of Aotearoa New Zealand (2021b) as above.

We recommend the following additions to the Bill

1. Definitions

To the list following the definition of **health strategy**, add (e) the Takatāpui and Rainbow Health Strategy

Add definitions for **takatāpui, rainbow, transgender** and **intersex**

2. Health system principles

In section 7 (1) (d) – add an additional principle (this may fit most logically in the list after principle ii): “Providing services that affirm and take into account people’s sexuality, gender and innate variations of sex characteristics.”

3. Minister’s role

In section 10 (1) (a) add an additional strategy (v) Takatāpui and Rainbow Health Strategy

4. Key health documents

In section 29 (1) (b) add an additional strategy (v) Takatāpui and Rainbow Health Strategy

5. Government Policy Statement

In section 32 (1) (d) include “takatāpui and rainbow populations” after “disabled people”.

6. Takatāpui and Rainbow Health Strategy

Add a new section 41, as follows:

41 Takatāpui and Rainbow Health Strategy

(1) The Minister must prepare and determine a Takatāpui and Rainbow Health Strategy.

(2) The purpose of the Takatāpui and Rainbow Health Strategy is to provide a framework to guide the health system in improving health outcomes for takatāpui and rainbow people, including providing for the specific healthcare needs of transgender and intersex people.

(3) The Takatāpui and Rainbow Health Strategy must—

(a) contain an assessment of the current state of health outcomes for takatāpui and rainbow people and the performance of the health system in relation to takatāpui and rainbow people; and

(b) contain an assessment of the medium and long-term trends that will affect the health of takatāpui and rainbow people and health system performance; and

(c) set out priorities for services and health system improvements relating to the health of takatāpui and rainbow people, including provision of gender-affirming healthcare, progress on developing rights-based health services for intersex people, and workforce development.

(4) Subsection (3) does not limit what may be included in the Takatāpui and Rainbow Health Strategy.