



COUNTERFUTURES

Left thought & practice Aotearoa

Queerly Beloved

Moving beyond Marriage Equality

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ON THE 17th of April 2013, the Marriage Amendment Act passed its final reading in New Zealand's Parliament. This legislation was a milestone for the LGBTQI+ community. There was, however, little mention of the remaining institutional, legislative and socioeconomic barriers the community faces. Marriage equality was purported to be the final frontier in rights¹ – yet much remains to be achieved before equality is realised.

¹ Kassie Hartendorp, quoted in Insight: Gay Rights Beyond Marriage, radio broadcast, presented by Alex Ashton. Wellington: Radio New Zealand, 2015. Henceforth referred to as GRBM.

The rights secured by the LGBTQI+² community have been hard won, they are the legacy of a history of vigorous social movement struggles. Such struggles have, as seen with passing of the Marriage Amendment Act, prompted change within the state. While state recognition is important for the community (as this ensures basic legal protections and rights), the relationship between many members of the LGBTQI+ community with the state has been, and continues to be, fraught. These tensions become visible when considering the poverty many in the community are subject to, especially transfolk, and issues faced when engaging with the health and education systems. Despite the positive changes achieved over recent years, there is still a need for ongoing mobilisation to bring pressure to bear upon the state.

Building and Sustaining Action

The passing of the Marriage Amendment Act signalled a change in the perceptions surrounding the queer community. Through legalising same-sex marriage the state registered a shift in heteronormative values and viewpoints, moving away from a state that inherently privileges heterosexuality.³ This shift is a testimony to the tireless work of activists who have spent a long time campaigning for equal rights. It also underlines the point that

2 It is important to note that the terms used to describe the community are constantly evolving. Queer is one common term; it is used as a reclaimed word to represent diversity in sexual orientation and gender identity. However, there are some who are uncomfortable with this. Many prefer the acronym LGBTQI+ (lesbian, bisexual, gay, transgender, queer, intersex), or the phrase 'sex, sexual orientation, and gender diverse'. These terms are used interchangeably. Alongside this, transfolk is used as an umbrella term to encompass people of diverse gender identities such as transgender people, intersex people, whakawahine, fa'afafine, and genderqueer people, among others. While it is easy to presume that this is a unified community, there are often harmful power dynamics within the community itself. Scholars such as Jillian Todd Weiss have written extensively about the issue, see her articles *The Gender Caste System*, *Law & Sexuality*, 10, 2001, and *GL vs BT*, *Journal of Bisexuality* 3, 2004.

3 Duane Duncan, Garrett Prestage, and Jeffrey Grierson, *I'd Much Rather Have Sexual Intimacy as Opposed to Sex*, *Sexualities* 18/7, 2015, pp. 801-802.

one of the best ways to fight for equal rights is through working collectively to create social movements. As social movement scholars Jackie Smith and Dawn Wiest argue, ‘history has shown that major social change only comes when those excluded from power and privilege rise to challenge the existing social order’.⁴ The history of struggles by the LGBTQI+ community in Aotearoa is rich and has led to profound social change – these struggles, however, need to be seen as ongoing.

In seeking to continue these struggles, it is important, first, to underline that they are not simply reducible to the dimension of ‘identity politics’ and the fight for ‘recognition’ of different identities. Historically, the subordinate status attributed to individuals within this community has led to unequal material outcomes (through being denied employment opportunities, not being able to access family-based social welfare credits, and so on).⁵ As social theorist Nancy Fraser shows in her work, there is a need to pursue a politics able to articulate the entwinement of material (redistributive) social practices with those relating to identity (recognition).⁶ An aspect to be borne in mind here, then, concerns how the dynamics of capital (class divisions, entrenched material inequalities, the overarching concern with productivity and efficiency) impact upon the LGBTQI+ community.⁷ In doing so, however, it is important to recognise that not all within this community are necessarily subject to pronounced material inequalities – for instance, a newly married, white, educated, gay male couple with professional jobs will not face the same eco-

4 Jackie Smith and Dawn Wiest, *Social Movements in the World System*, New York 2012, p. 1.

5 Nancy Fraser, Social Justice in the Age of Identity Politics, in Nancy Fraser and Axel Honneth, eds., *Redistribution or Recognition?* London 2003, p. 11.

6 *Ibid.*, pp. 11-16.

7 For a discussion of how capitalism is still an important consideration when appraising LGBTQI+ struggles see Gabriel Hetland and Jeff Goodwin, *The Strange Disappearance of Capitalism from Social Movement Studies*, in Colin Barker et al, eds., *Marxism and Social Movements*, Leiden 2013.

conomic hardships, nor suffer the same degree of discrimination, as young unemployed Māori transfolk (as will be explored below). In light of such discrepancies in the community, calls for solidarity are important.

Keeping the shared histories of struggle in the community alive is crucial for building and sustaining solidarity. The queer rights movement in Aotearoa started in the mid-1960s when gay men began to speak out publicly for same-sex love.⁸ As Chris Brickell notes, it was not until 1972 that this fight truly began, with the New Zealand Gay Liberation movement coming to life at the hands of the activist (and celebrated scholar) Ngahuaia Te Awekotuku.⁹ From these first steps grew a movement that was to last decades. The movement saw two failed attempts at reform in the 1960s and 70s. Activists kept up the struggle: in 1985 the Homosexual Law Reform Bill was introduced into parliament and passed into law.¹⁰ Following this victory, the movement continued to fight for de-stigmatisation and greater awareness around homosexuality, as well as for anti-discrimination laws. Change-making can be a long process, and perseverance is a key quality of activism. As the history of LGBTQI+ struggles shows, each victory needs to be seen as a stepping stone to the next. To bear this in mind requires us to recognise, today, that the passing of the Marriage Amendment Act does not signal an end to our struggles. That some within the LGBTQI+ community have been 'accepted' by wider society serves as no excuse for ignoring the hardships faced by others.

In thinking how solidarity is to be developed and maintained, and new fronts of struggle opened, there is a need to appraise not just the material divides within the community, but

8 Chris Brickell, *Mates and Lovers*, Auckland 2008, p. 283.

9 Ibid, pp. 290-294.

10 Ibid, p. 352.

also generational ones. Anecdotally, in conversations with numerous community members, I have found there to be a rift, of sorts, between young and old. Older members of the community fought for (and won!) homosexual law reform. They also lived through (and saw their friends and loved ones die in) the AIDS crisis. There is a debt of gratitude and understanding owed this generation by younger members of the community that is all too frequently unpaid. Further widening this gap are conflicting generational views around hetero- and homonormativity, and differing perspectives on equal marriage.¹¹ For example, decades of campaigning for equal marriage are seen by some as an engagement with the forces of assimilation and heteronormativity.¹² Some younger members of the community are beginning to move beyond the binary of inclusion and exclusion, surveying instead a broader range of inequalities and asking how these impact upon our lives.¹³ On the other side of the divide, youth within the community are often more political than credited. They are driving change within schools, organising fundraisers for various charities, attending protests, and providing support for each other. Speaking from my own experience of volunteering in the community over the last six years, since the age of 15, I can attest to the comradery existing among younger activists. I am currently involved with the support group School's Out. The youth I work with here are politically savvy. They often discuss issues relating to their schools and swap advice, policy suggestions, and tips with each other – but there is not a lot of input or support from older activists. If we could build more bridges between old and young community members – which involves ensuring each is cognisant of the other's struggles – we would become collectively stronger. Connections ensure continuing struggles. We seek each

11 Duncan, Prestage, and Grierson, *I'd Much Rather Have Sexual Intimacy as Opposed to Sex*, pp. 801-802.

12 *Ibid.*, p. 801.

13 *Ibid.*

other out, form bonds, and begin working together – the resulting relationships will enable us to achieve a better quality of life, both materially and existentially.

Along with building and sustaining solidarity within the LGBTQI+ community, links need to be forged with outside groups too. Highlighting widely shared experiences of poverty and financial hardship can create points of connection. The structures that undergird eurocentric, patriarchal, heteronormative hegemonic power – implicated as this all is with the dynamics of capital – wreak exclusionary damage upon many different groups. How, for instance, do the experiences of disadvantaged groups within the LGBTQI+ community intersect with beneficiaries and the precariously employed? While no easy answers are at hand, one of the tasks facing us today is the drawing of connections between different sites of struggle.

Questions as to how best to build and sustain the movement are ongoing. More immediately there are a number of clear issues impacting upon some members of the LGBTQI+ community in need of redress. These fall into the following categories, all of which will be explored below: policy, as concerns issues around legal name change and incarceration; poverty, as tied to workplace discrimination; expenses tied to changing gender, and homelessness; health services, as members of the LGBTQI+ community are less likely to access healthcare due to a lack of funding, accessibility, and knowledgeable healthcare professionals; and education, particularly a lack of safety within schools for queer youth, which impacts, in turn, upon education completion rates – there is also an absence of education about the community. The issues laid out here are not exhaustive, but they provide a sense of the type of problems faced.

While honouring the work and kaupapa of the groups that fought for marriage equality, we look to the future. The

struggle continues. Addressing the inequalities still facing us requires solidarity and mobilisation within the LGBTQI+ community, along with forging active movement links with groups outside of this community.

Seeking Changes from the State

The nature of the issues outlined above – concerning policy, poverty, healthcare and education – necessitates engagement with the state. This, however, is the cause of some tension within the LGBTQI+ community. On one hand, many of us wish to have our identities validated by the state.¹⁴ We want to be protected by law from oppressive cultural values, and we need recognition of gender diversity in order to receive greater funding for the community's needs. Conversely, there are many of us who are disillusioned with the state – our history being marked by state oppression and the denial of equal rights. In light of this the state can appear a dubious means of facilitating social change. Citizenship is, however, in large part, predicated upon the state granting rights.¹⁵ This includes civil, political, and social rights that, in turn, lead to equal access of resources.¹⁶ In the queer community, therefore, scepticism toward the state abuts awkwardly with a desire to achieve social equality.

Recalling the earlier discussion of Nancy Fraser, the achievement of equality depends in part (but not exclusively), upon recognition. Recent history has witnessed an increase in the recognition of (some of) the diverse identities present within the LGBTQI+ community. The limits of this recognition are,

¹⁴ GRBM.

¹⁵ T.H. Marshall, Citizenship and Social Class, in *Citizenship and Social Class*, T.H. Marshall and T. Bottomore, eds., Cambridge 1950.

¹⁶ Ibid.

however, apparent through the absence of adequate statistics about the community. If statistics are the means by which the state ‘sees’ its citizens, then it looks blankly past many of us. The New Zealand Census is the primary means of obtaining data on education and income levels, yet it does not allow for fluidity of gender identity.¹⁷ At this point in time there is a lack of statistical information about the LGBTQI+ community due to inadequate data collection.¹⁸ Statistics New Zealand has recommended that the 2018 Census not change any of the existing criteria for assessing biological sex and gender identity.¹⁹ The state, it would seem, has no desire to gain comprehensive data about these under-represented minority groups.

There is a tension in asking the state for recognition. It is important to have our community’s different identities validated. Many, however, question what it means for us to look to the state for this validation.²⁰ We know our identities are perfectly valid, so discomfort arises when needing the state to legitimise this and protect us.²¹ While attentive to this tension, it is argued here that the current situation is one that, whether we like it or not, requires engagement with the state if concrete victories are to be achieved.

With this in mind, there are some simple policy issues that, if addressed, would assist in the realisation of some important changes – these concern legal gender change processes and practices surrounding incarceration. While these are not the only policy areas in need of redress, they illustrate well the types of

17 Amanda Parkinson, *Census Set To Recognise Genderqueer Community*, *Waikato Times*, July 16, 2014.

18 *Ibid.*

19 Preliminary View Of 2018 Census Content, Statistics New Zealand, accessed June 1, 2015, <http://www.stats.govt.nz/Census/2018-census/prelim-content/proposed-topics.aspx>.

20 GRBM.

21 Kassie Hartendorp, quoted in GRBM.

issues the community faces in terms of (problematic) state recognition.

The Human Rights Commission report *To Be Who I Am* found a major policy issue facing the transfolk and gender diverse members of our community is the requirements for changing sex details on official documents.²² The report recommends that the government implement changes that simplify the requirements for changing these documents by ‘... substituting the “physical conformity” threshold with the requirement that someone “has taken decisive steps to live fully and permanently in the gender identity of the nominated sex.”’²³ This substitution would allow people to change legal documents with ease and at lower cost. As it stands, we are creating limitations that prevent people from living as themselves by forcing gender diverse citizens to undergo surgery before they can legally change their gender.

Some of the practices surrounding incarceration could also be addressed as a means of improving the state’s capacity to recognise the community’s diversity. Currently, the Department of Corrections holds that if staff have ‘doubts relating to a prisoner’s sex’ they must advise their manager.²⁴ The manager has the prerogative to determine the prisoner’s placement based on the sex listed on legal documents, and is able to do so through such processes as strip searches or searching the prisoner’s property.²⁵ This policy indicates a lack of regard for the psychological wellbeing of transfolk. An investigation by the Office of the Ombudsman found the Department of Corrections had no intention of reviewing this policy, even though it does not adequately rec-

22 Joy Liddicoat and Rosslyn Noonan, *To Be Who I Am*, Human Rights Commission, Auckland 2008.

23 *Ibid.*

24 *Transgender and Intersex Prisoner*, Department Of Corrections, accessed May 26, 2015, <http://www.corrections.govt.nz/resources/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03-4.html>.

25 *Ibid.*

ognise prisoners' gender identification nor allow them to be treated with dignity.²⁶ Prisoners' own gender identities, the ways in which they see and experience their self, are all too often ignored or minimalised. Thankfully, mobilisation is starting to take place around this issue. Through the work of organisations such as No Pride In Prisons, the community is beginning to highlight such issues as the systematic targeting of Māori and Pasifika citizens by our police force, as well as the abhorrent treatment of transgender prisoners under Department of Corrections policy.²⁷ To be incarcerated by the state is problem enough, but to have your sense of self challenged or invalidated in the process makes a traumatic experience even more so.

The policy issues outlined here could be rectified relatively easily. While simple to action, they would have profound material and affective implications for members of the community. Yes, asking for recognition from the state is problematic, but not as problematic as misrecognition or having your self-identity denied altogether.

The Material Dimension of Inequality

Poverty cuts through sections of the LGBTQI+ community. Some issues at play here are: workplace and employer discrimination; the costs faced by transfolk when changing legal documents and undergoing surgery; and homelessness, an issue that frustrates attempts to achieve economic equality on a par with the wider population. While not an exhaustive mapping of how material

26 Beverley Wakem and David McGee, Investigation Of The Department Of Corrections In Relation To The Provision, Access and Availability Of Prisoner Health Services, New Zealand Parliament, accessed June 1, 2015, http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/456/original/own_motion_prisoner_health.pdf?1349735789.

27 No Pride In Prisons, No Pride In Prisons, accessed July 28, 2015, <https://twitter.com/noprisonpride>.

inequalities effect the community, awareness of these issues illustrates the ways in which identity and economic inequalities intersect. In drawing attention to the material dimension, points of departure can be found for connecting struggles across (seemingly) diverse spaces.

A Williams Institute study found that there is consistent evidence of on-going workplace discrimination against sexual orientation and gender identity minorities.²⁸ LGBTIQ+ people experience workplace discrimination at a rate of up to 68 percent, with evidence suggesting that transfolk experience greater instances of harassment and job denial.²⁹ While Aotearoa's Human Rights Commission has some capacity to protect the queer community in workplaces, more protections could be afforded. For instance, education initiatives promoting workplace etiquette and drawing attention to our anti-discriminatory employment laws. Many members of the community champion programmes like this, but it primarily occurs on an individual basis rather than as a coordinated effort. Again, this is an area where social movements could pressure the state to take action; it also indicates an area where union involvement could be developed. There is, currently, a cultural lag between the laws passed by the state and their implementation – employers need to be brought to account when practising discrimination.

Transfolk who wish to live openly as such are also affected by poverty in relation to correcting legal documents and undergoing surgery. Legislation requires transfolk to undergo 'physical conformity' procedures before they can officially change their gender, and there are a number of costs involved in doing so.³⁰ These costs exacerbate the inequalities transfolk face. For

²⁸ Lee Badgett, Holning Lau, Brad Sears & Deborah Ho, *Bias In The Workplace*, The Williams Institute, Los Angeles 2007.

²⁹ *Ibid.*

³⁰ Liddicoat and Noonan, *To Be Who I Am*.

those wishing to undergo surgery, the costs are considerable. Sex reassignment surgery in Aotearoa can cost up to \$120,000 when not publicly funded (this will be discussed in more detail below).³¹ Having funding available for these surgeries is important. Many of the gender diverse members of our community experience severe body dysmorphia and discomfort without this surgery – this discomfort can sometimes be so extreme that it leads to self-harm and suicide when surgery is inaccessible. There is, then, an immediate need to find solutions.

Along with addressing immediate problems, there also needs to be a push on the cultural front promoting new conceptualisations of gender. Greater recognition of ‘minority’, fluid and intersex genders, and an attendant breakdown of the strict male/female binary may, in the long run, lead to less need for surgery. Any such push, however, need not exclude those who do seek to physically alter their sex. Let a thousand flowers bloom!

Homelessness is a significant problem for some sections of the queer community, particularly among youth. While there are no comprehensive surveys about queer homelessness in Aotearoa, there are statistics available from comparable countries (in terms of culture and economy). A North American study found nineteen percent of transgender respondents had reported experiences of homelessness, or denial of housing services, due to their gender.³² These respondents also reported high levels of transphobia, racism and sexual assault by homeless-shelter staff and residents.³³ It is clear that transfolk – especially women and people of colour – see high risks of on-going poverty and homelessness. These factors result in a marginalised demographic forced into poverty. Systematic poverty is one of the main issues

31 Heather du Plessis-Allan, *Absolutely Nuts*, One News, May 19, 2015.

32 Jaime M. Grant, Lisa A. Mottet and Justin Tanis, *Injustice At Every Turn*, National Gay and Lesbian Task Force, Washington 2011.

33 *Ibid.*

preventing the LGBTIQ+ community from launching targeted campaigns to address these issues. Lobbying the government, organising protests, producing educational material, and contacting organisations for support require time and money. A Catch-22 situation arises: the community needs to unite and tackle rising poverty levels, but this requires money.

Poverty and inadequate services are not unique to the LGBTIQ+ community. Effective redress of the problems faced by members of this community requires not just a strong movement composed of its own members, but the forging of active links across the spectrum of activism and social movement groups. This involves, for instance, developing intersectional analyses that show how ethnicity, poverty, gender and sexuality intersect. No Pride In Prisons (discussed above) is an example of a group beginning to do just this. Important, also, will be the construction of connections between different sites of struggle – for example, in considering the problem of homelessness in the LGBTIQ+ community, it would make sense to develop supportive relationships with groups campaigning in this area. In seeing struggles as interconnected, a sense of solidarity and the capacity for collective action can be constructed. Networks across a range of communities and groups will enable us to create structural change.

Shortcomings in the Health System

Health services also present barriers to equality for the queer community. It is difficult for members of the community to access healthcare, and when they do it is often sub-par and fails to adequately meet their needs. The ‘Youth ’07 Report’ from the Adolescent Health Research Group found that young people of diverse sexual orientations struggle to access healthcare.³⁴ The fol-

34 F. V. Rossen, M.F.G Lucassen, S. Denny, and E. Robinson, Youth ’07 The Health

low up 'Youth '12 Report' found queer youth are over three times more likely to experience depressive symptoms.³⁵ The suicidality rate for queer young people is disproportionately high, with 47.7 percent of same/all-sex attracted youth experiencing suicidal thoughts, compared to 14.7 percent of opposite-sex attracted youth.³⁶ The report also found that one in five transgender youth had attempted suicide within the past year.³⁷ Such figures indicate that these youth struggle to receive the care they require. As they are less likely to access state funded health services, it often falls on under-funded voluntarily run organisations to be the main source of support for these youth.³⁸ Aotearoa needs a healthcare system in which medical professionals are well educated on queer healthcare, and one that is accessible and welcoming to the community. It is imperative that healthcare practices be radically challenged. It is not acceptable for our young people to be experiencing such high rates of mental illness with so few support structures in place for them. The young queer community also experiences higher rates of substance abuse. All in all, then, it can be seen there is a need for more targeted healthcare than is currently on offer – which brings us, again, to the need to level demands against the state to ensure equitable outcomes for members of the LGBTQI+ community.³⁹ Further, the steady decline in mental health services in this country impacts negatively on many sectors of Aotearoa society – indicating that this is another area in which connections can be formed to build sustained struggles.

and Wellbeing of Secondary School Students in New Zealand, University Of Auckland, Auckland 2009.

35 T. Clark, et al., *The Health And Well-Being Of Transgender High School Students*, pp. 93-99.

36 *Ibid.*

37 *Ibid.*

38 *School's Out, School's Out*, accessed July 28, 2015, <http://www.gayline.org.nz/school%E2%80%99s-out>.

39 M.F.G. Lucassen, T.C. Clark, E. Moselen and E.M.T. Robinson, *Young People Attracted To The Same Sex or Both Sexes*, University Of Auckland, Auckland 2014.

The obstacles to accessing adequate healthcare are even greater for transfolk and the genderqueer community. There is a lack of funding for gender reassignment surgery in Aotearoa and few health professionals have the relevant expertise to treat transfolk patients. A 2007 report from the Human Rights Commission acknowledged that accessible healthcare is a significant concern for many transfolk, and recommended that a treatment pathway for gender reassignment services be created through the Ministry of Health – the formation of which requires co-operation between transfolk and health professionals.⁴⁰ This would involve ensuring that we have a large number of health professionals adept at treating trans-specific issues, such as sex reassignment procedures. In 2014, Aotearoa’s only sex reassignment surgeon retired and has not been replaced.⁴¹ An Official Information Act request has revealed that the waiting list for Male to Female (MtF) surgery is at 61 people, while the Female to Male (FtM) waiting list is at 12 people.⁴² The Ministry of Health funds three MtF and one FtM surgery every two years.⁴³ If surgery were to be resumed immediately, it would take over 40 years for everyone currently on the waiting list to be seen.⁴⁴ This is highly problematic. As discussed above, the state requires physical conformity for the changing of documents so that a person’s gender self-identity might match their legal status; and of great concern, also, is that body dysmorphia often leads to self-harm and/or suicide.

Finally, the healthcare sector also needs to address the treatment at birth of intersex people. Intersex conditions can include ambiguous genitalia, chromosomal differences and am-

40 Liddicoat and Noonan, *To Be Who I Am*.

41 Ben Heather, *Sex-Change Surgery Delay Hits Youth*, Stuff, April 16, 2015.

42 Ministry Of Health, *Official Information Act: Gender Reassignment Surgery Waiting List Size and Status*, FYI, accessed May 15, 2015, <https://www.fyi.org.nz/request/2548-gender-reassignment-surgery-waiting-list-size-and-status>.

43 *Ibid.*

44 Heather, *Sex-Change Surgery Delay Hits Youth*.

biguities, and ambiguity in hormone levels. Aotearoa is one of few nations still recommending that babies born with Congenital Adrenal Hyperplasia (one of many intersex conditions) have ‘corrective’ surgery performed as early as possible.⁴⁵ These children are routinely subjected to surgery without the consent of parents in order for them to be ‘normalised’.⁴⁶ Aotearoa has no law that prohibits genital surgery from being performed on children who are unable to consent to the procedures.⁴⁷ Well-known intersex activist Mani Mitchell has been campaigning for intersex rights and awareness in Aotearoa for decades.⁴⁸ Mitchell campaigns for more awareness around intersex conditions and advocates for less intervention at birth.⁴⁹ It is important that we all strive towards challenging the norms that surround physical conformity and gender identity; this is an issue that requires a shift in cultural attitudes. We can educate ourselves and our peers, gently question and educate those who perpetuate negative stereotypes and opinions of gender diversity, and lobby various institutions and interest groups to address these issues. We will be required to foster relationships with a range of people to achieve these goals. The families of these children are not receiving the care, support, and education they need to make informed decisions about their children’s wellbeing. We can see that there are a number of restrictions preventing the LGBTIQ+ community from accessing healthcare. Significant changes need to be made to the healthcare system before it will be accessible and benefi-

45 Open Birth Sex Assignment Do Not Reduce Surgical Interventions, Organisation Intersex International Australia Limited, accessed June 4, 2015, <http://oii.org.au/24097/flexible-or-open-birth-sex-assignments-have-no-impact-on-surgical-interventions/>.

46 M. Stevens, Rainbow Health, Affinity, accessed June 4, 2015, http://www.adhb.govt.nz/documents/Affinity_Services_Rainbow_Health_Report.pdf.

47 The Inquiry Into Discrimination Experienced By Transgender People, New Zealand Human Rights Commission, accessed June 4, 2015, <http://www.hrc.co.nz/your-rights/social-equality/our-work/inquiry-discrimination-experienced-transgender-people/>.

48 Mani B. Mitchell, accessed July 28, 2015, <http://www.manimitchell.com/>.

49 Ibid.

cial for the LGBTQI+ community – yet another front on which to extend our struggles.

Shortcomings in the Education System

Education and visibility is the final set of disadvantages faced by the queer community to be treated in this article. Safety and visibility in learning institutions impacts upon how the queer community accesses education. Greater visibility includes: safe spaces for students; a welcoming environment in which both staff and students can be open with their identities; and integrated education about issues facing queer people. Many students feel learning institutions fail to prevent homophobic and transphobic bullying – with many schools lacking policies to address the safety of their LGBTQI+ students.⁵⁰ The ‘Youth ’12 Report’ found that 57.9 percent of queer students had been fearful for their safety at school, and that 43.3 percent had been intentionally physically assaulted at school in the past year.⁵¹ A report from the Green Party, analysing policy protecting queer youth in schools, argued there are many problems preventing these youth from feeling safe at school. One of the report’s main findings was that the Education Review Office has a distinct lack of policy in place to ensure schools are safe environments for LGBTQI+ students.⁵² It is also essential that schools have anti-bullying policy and procedures that do not categorise sexual orientation and gender diverse students together. These students face distinct forms of harassment and bullying, so policy must reflect this.⁵³ One of the

50 Karen Nairn and Anne Smith, *Taking Students Seriously*, Gender and Education 15/2, 2003.

51 Lucassen, et al., *Young People Attracted To The Same Sex Or Both Sexes*.

52 Murray Riches, *How Safe Are Our Schools?*, The Green Party of Aotearoa New Zealand, accessed May 19, 2015, <https://home.greens.org.nz/sites/default/files/rainbowreport-20140827.pdf>.

53 Elizabeth Smith, et al., *From Blues To Rainbows*, La Trobe University, Melbourne

best ways to change the environment of a school in relation to queer issues is to take a rights-based approach.⁵⁴ Such approaches focus on the rights of students in order to create a safe school environment. This could include teaching about human rights, anti-discriminatory laws and same-sex marriage. Karen Nairn and Anne Smith, Dunedin-based researchers, suggest schools need policy and practices that deconstruct heteronormativity and mobilise human rights legislation to promote the wellbeing of minority students.⁵⁵

Many students have taken the lead in addressing these issues and have formed support groups, an example being Queer-Straight Alliances (QSAs). These groups create safe spaces, climates of acceptance and visibility of diversity within schools. While there is no database of the QSAs within Aotearoa, they are growing in numbers and exist throughout the country.⁵⁶ I discovered many of them when attempting to start one myself during my time at high school. There is a large amount of support for these groups within the queer community, but little exists beyond that. The group I formed is no longer running, as I was not able to get enough support within the school and its community to create a group that would be sustainable for future students. These groups are important. They give students safe spaces within their schools to explore their identities. I found many school staff were not supportive, were unresponsive to our attempts to educate them on these issues, and they argued there were no queer students at the particular school I attended. That was not the case (I was living proof that there was!). This is a movement driven by our youth. They know their needs are not being met, and have sought to meet them independently. These

2014.

54 Nairn and Smith, *Taking Students Seriously*, pp. 133-149.

55 *Ibid.*

56 About, InsideOUT Aotearoa, accessed July 28, 2015, <http://insideout.org.nz/about/>.

youth are constantly challenging their peers, staff and community. They push for equal treatment in schools and safe spaces in which to be themselves. The organisation InsideOUT Aotearoa seeks to be a network for these groups, and to provide their schools with training and a network of like-minded peers.⁵⁷ Together, students and supportive community groups have developed practices and policies that seek to address the issues faced by these students. There are many changes that can be made by education institutions to ensure the safety and welfare of their LGBTQI+ students. They need to be looked after by schools, as they are more likely to experience physical and mental health issues.

The LGBTQI+ community also faces a lack of education within schools regarding diversity in gender, sex, and sexual orientation. A 2007 Education Review Office report found many schools did not give staff the support they needed in order to deliver high-quality sexuality education lessons that focus on diversity.⁵⁸ Encompassing sexuality and gender education allows students to gain a better understanding of themselves and their peers. Comprehensive sexuality and gender education will also break down the misunderstandings and stigma associated with gender and sexual orientation. This will create acceptance and understanding within schools and the wider community, which will in turn decrease instances of discriminatory bullying. So, while demands need to be made of the various arms of the state (such as the education and health systems), the laws and policy shifts these demands seek to initiate must also be matched by a deep cultural shift. Such a shift takes place across a long time period, which requires sustained ongoing mobilisation. For such

⁵⁷ Ibid.

⁵⁸ The Teaching Of Sexuality Education In Years 7-13 (June 2007), Education Review Office, accessed June 3, 2015, <http://www.ero.govt.nz/National-Reports/The-Teaching-of-Sexuality-Education-in-Years-7-13-June-2007/Summary-of-findings>.

mobilisation to be effective, links need to be built and maintained between diverse groups, both within the LGBTQI+ community and the wider activist and political terrain of Aotearoa.

Conclusions

The queer community has had a long history of abuse, violence, marginalisation and lack of understanding in Aotearoa. While the passing of the Marriage Amendment Act was important for our community, it is not the end of our fight for equality. Too many of our friends, whānau, and wider community suffer from mental health issues, violence and poverty. Now, as much as ever, there is a need to develop organisational power within the LGBTQI+ community. Developing this power involves effectively linking our struggles with those of other groups within Aotearoa – building a united front. From a position of collective power, demands can be levelled at the state and change achieved. Despite the tensions arising from engaging with the state, the alternative – to not engage – is worse. As outlined in this article, there are a number of areas where relatively simple policy changes could be implemented (for instance, making it easier to legally change gender, or improving the treatment of incarcerated transfolk) that would have profound immediate effects for some members of our community. The important point to grasp, however, is that claims-making against the state is not the end-point of our struggles. A deeper cultural shift needs to occur within Aotearoa – one that challenges rigid gender binaries and heteronormativity and which requires ongoing social movement mobilisation. Action needs to take place both within the state and against the state.

The passage of the Marriage Amendment Act, while welcome and profound, is only one more step toward realising full participation in a society that has systematically excluded, denied and oppressed members of the LGBTQI+ community. Many

more steps are to be taken. In undertaking the long march toward a society that is existentially and substantively egalitarian, we do not walk alone. The impoverishment, homelessness, unemployment, physical and mental health issues, lack of educational opportunities and concerns for safety experienced by members of the LGBTQI+ community may be particularly concentrated for some of us, but many other sections of Aotearoa's society suffer from similar, or the same, problems. Through developing intersectional analyses and connecting our struggles, collective strength can be developed. Aotearoa is a nation with a proud history of successful progressive social movements. Unfortunately, the current moment, despite deepening levels of inequality, is one of often fractured mobilisation.⁵⁹ As has been shown here, in the discussion of the LGBTQI+ community, there are groups already in existence doing great work – but connections need to be made with other groups, solidarity built, and action scaled ever upward.

⁵⁹ See, for instance, Sue Bradford, *Fractured Fightback*, *Counterfutures* 1, 2016.

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