

# Paper - Neglected Communities:

## Transgender & Transsexual Issues

By Elizabeth Riley, Former General Manager of The Gender Centre Inc.

Speech presented at N.S.W. State Parliament House on Tuesday 25th February 2003 by Elizabeth Riley, Former General Manager of The Gender Centre Inc. If you look in your calendar at 20th November you will find no reference to mark it as a day of any special significance. Yet it is the day set aside for transgender people around the world to remember our dead. Records have been maintained since 1970 of the names, and sadly sometimes only brief descriptions, of those transgender people who have died violently at the hands of others.

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Headings in this document actually refer to Elizabeth's "cue" to change the display in her PowerPoint presentation and therefore may not read fluently. The same applies to the names which appear intermittently throughout her speech.

### 20th November, Remembrance Day

If you look in your calendar at 20th November you will find no reference to mark it as a day of any special significance. Yet it is the day set aside for transgender people around the world to remember our dead. Records have been maintained since 1970 of the names, and sadly sometimes only brief descriptions, of those transgender people who have died violently at the hands of others. Some, whose stories have been told may be familiar to you, Brandon Teena 19, Tyra Hunter 24, Gwen Araujo 17, others it seems were familiar to no one, unknown man wearing a dress, unknown partially cross-dressed male, unnamed infant with ambiguous genitalia.

Christine Jorgensen

On 1st December 1952 readers of the New York Daily News were greeted with the headline "Ex-G.I. Becomes Blonde Beauty: Operations Transform Bronx Youth" and Christine Jorgensen became the first transsexual to be afforded celebrity status. By the time Christine arrived back in New York in 1953, after her surgery in Copenhagen, she was greeted at the airport by no fewer than three hundred journalists jostling for the chance to write her story. American Weekly, a popular Sunday newspaper supplement subsequently paid Christine U.S.\$20,000 for an exclusive interview which catapulted her into a household name and ignited the interest of the world press. By March/April of 1954 journalism trade publication "Editor and Publisher" announced that more newsprint had been dedicated to Christine than any other individual in that same period, with more than one and a half million words, the equivalent of approximately fifteen full length books, being printed.

### Christine - Woman of the Year

In 1953 Christine was selected Woman of the Year by the Scandinavian Societies of Greater New York and in the years that followed she proved to be a dignified and worthy ambassador for the emerging transsexual community.

### History of Transsexualism

Christine was of course far from being the first transsexual. Transsexuality, in nature if not in name, has existed down through the ages and across all cultures. Even in 1952, when Christine underwent sex re-assignment surgery her process was referred to in randomly defined terms such as sex-change. It was not until 1953, and perhaps influenced by Christine's experience, that Dr. Harry Benjamin, who ultimately developed the Harry Benjamin Standards of Care for the Treatment of Transsexuals, used the term "transsexualism" for the first time in a paper written for the International Journal of Sexology.

Given the flurry of excitement and acceptance that seemed to surround Christine it might have been reasonable to assume that the 1950's would herald a new age of enlightenment around gender diversity and that the road would be easier for generations of transsexuals that would follow.

Tragically not so for Jeannie Sheppard, Kristi Kelly, Ernest "Ernestine" Murray, Adele Bailey or an unidentified Filipino transsexual. So what went wrong?

Despite her incredible courage and the dignity with which she carried herself it is perhaps fair to conclude that Christine Jorgensen fared so well because she was a novelty and, in the gender binary that has prevailed through most cultures, a sensational one at that. As a celebrity she would have appeared in the eyes of the average person to occupy a world remote from their own and therefore pose little threat to their sense of order. She was not their next door neighbour, she was not the girl working alongside them on the assembly line, she was not the woman who was dating their son. Her status was propelled, and largely upheld, by the popular media of the day.

### The Medical Fraternity

The medical fraternity was much less decisive in their response to the "new" transsexualism. While specialist gender clinics sprang up over the ensuing decades providing much needed treatments for the transsexual individual, little real support or advocacy was forthcoming when it came to the question of transsexual assimilation. The literature that was produced was largely confined to the academic discourse of medical journals and was written with the inevitable flaws of an outsider looking in. Treatment underway, transsexual were left to their own devices to deal with the world at large. Families, or portions of them, were lost, and still are, jobs were lost, and though anti-discrimination legislations have made a difference, they still are, friends and colleagues were lost, and still are. One might have wished that the medical profession had taken a stronger role in educating the wider community but sadly there was division within its own ranks. In the late 1980's, one plastic surgeon in N.S.W. who dared to enter the field of sex re-assignment surgery found himself ostracised, abused and in receipt of threatening letters from his own colleagues. Presumably other surgeons endured similar treatment. Even today, many medical professionals still view transsexualism with suspicion and disdain.

Two and a half years ago David Rose, a valued Westpac employee, community radio announcer and trainer of young radio enthusiasts at Sydney's 2SER and a cross-dresser was found beaten to death in his flat in Manly. His killer has never been found.

### A Political Response

If the medical fraternity was indecisive, governments have been positively bureaucratic. In 1995 a friend of mine, Angela, travelled to the U.S.A. to undergo sex re-assignment surgery with a leading surgeon in that country. She had been to the U.S. on 19 occasions in her former male identity as an engineer with the Ford Motor Company and again in the early stages of her transition for some preliminary procedures and to schedule her appointment with her surgeon.

This, however, was the first time she had travelled as a woman. Hormone treatment had a profound effect on her physically and unfortunately the "M" label in her passport drew the attention of customs officials who denied her entry and put her on a return flight to Australia.

At great personal expense she engaged a barrister and arranged a meeting with the then foreign minister, who ironically has the same name as the current foreign minister. Her aim was simple. She was seeking special dispensation to have the "M" in her passport changed to "F". The response of the foreign minister was to tell her that he could not possibly do that because Quote: "what if you rape someone while you are over there?" The fact that Angela had not raped anyone in 19 previous visits as a fully functioning male was apparently lost on the minister. The fact that even if she was so inclined, any capacity to rape someone had been totally hormoned out of Angela was also lost on the minister. I was reminded at the time of Monty Python's dead parrot skit. "Angela's little pecker wouldn't move if you put four million volts through it, it's bleedin' dead" but no doubt Monty Python would have been lost on the minister too. I wonder if the "village idiot skit" would have carried more resonance?

Robert Eads, Joanne Lillecrap, Vanessa Lane, Angela.

## Who Speaks for Transsexuals

In the absence of a loud and clear educative and authoritative voice to speak on behalf of the transgender / transsexual community we have largely been banished to the fringes of society to fend for ourselves as best we can. Only those with incredible inner strength and resilience are likely to create a niche for themselves in mainstream society. The rest are conveniently boxed up in the neat little stereotype of showgirls and sex workers and at best simply tolerated because the nocturnal world they occupy has no direct impact on the mainstream world of ordinary people. And of course we all know there is no such thing as a female-to-male transsexual so nobody has to try and process that concept.

I note with considerable dismay that the K-12 Syllabus generated by the N.S.W. Board of Studies mentions the word transgender once in the entire document and only then in a passing reference to anti-discrimination legislation. This was despite intense lobbying by the now defunct School Watch Committee to achieve a L.G.B.T. inclusive syllabus. If we refuse to teach our children openly and honestly how can we expect them to grow with a healthy attitude to diversity. If a responsible approach is not taken then their education in such matters is left to those who are not accountable such as the advertising gurus who think themselves clever to create little product selling gems like the recent Motorola ad for S.M.S. text messages where a frantic man bails out of a taxi leaving a dumbfounded brunette sitting haplessly behind. His text

message reads "she is a he". Or the current Nova F.M.ad stating two things you don't want to hear, "I used to be a man" and "too many ads". What outrage would be generated if the tag line was "I have a disability". Then, god forbid, there's always Jerry Springer ready and willing to provide enlightenment. You can get murdered there before you even leave the studio.

Chanelle Pickett, Rhonda Starr, several unnamed or unknown transsexuals / transvestites / men dressed in women's clothing.

## Legislation

In 1977 the N.S.W. Anti-Discrimination Act was introduced. On 1st October 1996, after many years of lobbying, and 43 years after Christine had made such a promising start, transgenders finally gained protection under the N.S.W. Act. While the legislation was enormously welcome it was also clumsy and unwieldy making unfortunate distinctions between those who had and those who had not had sex re-assignment surgery and further distinctions between those who had undergone sex re-assignment surgery and were born in N.S.W. and those who also had but unfortunately were not. I concede that's a bad sentence but I hope it illustrates the difficulties associated with interpreting and managing this part of the legislation.

## Section IX.A and Part 122C

In 1980 Section IX.A. was added to the Act to encourage Equal Opportunity in Public Employment for the groups who were at that time covered under the Act and they were identified at Part 122C of the Act as women and members of racial minorities. In 1984 Part 122C was amended to include physically handicapped persons. An entire government department, Office of the Director of Equal Opportunity in Public Employment (ODEOPE), is charged with the responsibility of encouraging and enforcing Section IX.A of the Act across government departments and Statutory Authorities. Section IX.A of the Act has not changed since 1984 other than in the use of terminology and now covers; women, Aboriginal and Torres Strait Islanders, People from N.E.S.B. / C.A.L.D. backgrounds and people with a disability. The N.S.W. Anti-Discrimination Act in that time has been amended to include; Sex (including sexual harassment and pregnancy), Homosexuality, Age, Transgender and Carer's Responsibilities. Since clearly the spirit of Section IX.A of the Act was to address the issue of employment inequity as it applied to groups covered under the A.D.A. it seems inexplicable that it was not amended to include the new groups as they were included in amendments to the Act.

## Unemployment

I am in no doubt that a commitment to addressing the question of Equal Employment Opportunity is central to overcoming the marginalisation of the transgender community. Statistics show that we currently endure an unemployment rate of 60% in the transgender community and these figures are fairly uniform across Western culture. Surely, given that we have been included since 1996 in Anti-Discrimination Legislation in this state, and that the legislation is the product of government, it is reasonable to expect that government would be proactive, at least within its own sector, in addressing this problem.

## Some Endeavours

In 1996, prior to the transgender amendments being proclaimed in parliament, I was invited to deliver training to the A.D.B. staff to raise their awareness around transgender issues. In early 1997 I participated in joint training with the A.D.B. at two breakfast seminars targeting employers in relation to the new amendments. I have since delivered some 200 such sessions to a wide variety of stakeholders in the community, including employer groups. At the first of the breakfast seminars I met the Director of ODEOPE and established a good working relationship with that organisation and was invited to provide training to Employment Equity Specialists Association (E.E.S.A.) which is made up of representatives from across government departments and statutory authorities.

I was subsequently invited to attend E.E.S.A. meetings and to my knowledge I became, and remain, the only member of E.E.S.A. representing a non-government organisation. I spent 18 months on the E.E.S.A. executive during which time I joined a sub-committee of three to organise the inaugural E.E.S.A. conference which was held in November of 1999. I also took responsibility for amendments to the E.E.S.A. Constitution. In all of that time my key purpose within these networks has been to promote employment equity for transgenders and to keep that issue on the agenda. The side benefit of my association with E.E.S.A. was the realisation it provided to its members that it was possible to work with someone who was transgender and to not feel threatened by the experience. I make that point only because two members of E.E.S.A., one who was its president, with whom I ultimately became quite good friends confessed to me that they had serious reservations when I first appeared in their midst.

Katherine Moore

In December 1997 Katherine Moore committed suicide after being raped at the Metropolitan Remand and Reception Centre at Silverwater. She was being held on drug related charges and had been segregated "for her safety" into a unit that housed other segregated inmates including sex offenders.

## Catalyst for Change

### DOCS

Following Katherine's death a committee was formed to plan a response and in the hope that her death might at least prove a catalyst for change. Pressure was applied to the Department of Corrective Services through all possible channels and after months of planning and revision the department implemented its Policy for the Management of Transgender Inmates on 21st October 1998. The policy itself was everything we could have wished for. However, I would keep you here until midnight if I went into detail about the problems associated with its implementation.

## Transgender Working Party

More positively, and also resulting from Katherine's death, was the establishment of the Transgender Working Party hosted by the Department for Women. The Working Party was made up of representatives from a number of key government departments and myself representing the Gender Centre. Its brief was to identify the issues and take steps to addressing them. Unfortunately the first meeting occurred in August 1998 and an air of resignation prevailed that with an election looming in March 1999 nothing significant would be likely to be achieved before then. Seven months seemed a long time to me but then I don't work in the public sector. Anyway we opted for a small project which involved the printing and distribution of a few thousand awareness raising posters. The costs associated with this were minimal so each of the departments committed a small sum to the whole to get the project off the ground. And we hit the ground running. Posters were designed, roughs prepared, endorsements sought from the represented departments, roughs faxed off to the committee for comment, comments returned - all positive. I was confident that we would change the world well before the next election.

Too late perhaps for ...

Too late perhaps for Christine Chappell, Michelle O'Hara, Nguyen Bui Linh or Stephanie Thomas

... but full of promise nonetheless.

## Posters and N.S.W. Health

Then a minor setback. Just as I was on the verge of giving the go ahead to the printers to commence their run I received a sheepish phone call from the working party representative from N.S.W. Health informing me that they were no longer prepared to endorse the poster. That annoyed me and I had questions that it seemed could not be answered but in the end I thought what the heck, it's no big deal, we'll press on regardless.

Then a major setback. I received a second phone call this time informing me that N.S.W. Health were withdrawing their financial contribution unless I made a significant change to the poster. (Display Poster). They would only provide funding if I removed the word "nurses". My initial reaction was to tell them what they could do with their funding, and I did. My secondary reaction, given that N.S.W. Health co-fund the Gender Centre, was to tread more carefully. After copious letter writing, and relentless advocacy from many quarters we succeeded in printing the posters intact and we got the funding. The endorsement was not forthcoming but two out of three was okay. Oh yes! And the whole exercise wasted an incredible nine months and I never did find out who was responsible for the obstruction though I was forced to concede that apparently seven months was not such a long time after all. The experience, however, clearly illustrated the rudimentary nature of the struggle confronting the transgender community in gaining access and equity into mainstream culture.

## P.S.M.O. and the Employer's Handbook

The good news was at least with the state election over the Working Party could devote its attention to more significant projects.

While the work done with ODEOPE and E.E.S.A. had been fruitful in terms of raising awareness of the needs of the transgender community it had not translated into any real progress in terms of transgender employment in the public sector. The working party decided to approach the issue from a different angle in the hope of achieving greater gains. Our plan was to focus our endeavours at the core of the public sector through the Public Sector Employer's Handbook. The handbook is the responsibility of the Public Sector Management Office (P.S.M.O.) and details every possible contingency in relation to human resource management in the sector. The task was to amend the handbook to be inclusive of transgender people. Over the ensuing months, and with extra consultations between working party representatives from ODEOPE,

the A.D.B. and P.S.M.O., a number of relevant sections of the handbook were modified and new sections drafted where necessary until finally clear guidelines were set in place to manage the employment of transgender people. The new handbook was uploaded to the P.S.M.O. website in late 2000. Since the handbook governs employment practices in all state government departments and statutory authorities this was a significant achievement.

Difference so far and where to now?

So has this made a difference to transgender employment in the public sector?

Well no it hasn't. But the groundwork has been done. The policies are in place. There are committed people in E.E.S.A., ODEOPE and the A.D.B. and these are the key E.E.O.organisations. What now needs to happen is a government commitment to targeted positions within the sector to ensure that a representative number of the transgender community are recruited.

Amy Soos, Daniel "Danielle" Reading, Carol Wright ...

There are in fact 268 names appearing on our remembrance list and these are only the ones that have been reported, there are no doubt many, many more. If you add to this the many transgender people who have taken their own lives or have died prematurely as a result of the precarious lifestyles their abandonment has led them to lead then this number would be multiplied many times over.

Importance of Employment

Why then is employment a critical factor?

For two fundamental reasons. Firstly it is an avenue for the transgender person to escape the despair of their situation. It is a desperately needed chance to acquire self-confidence and self-esteem. It provides us with a purpose, a role, meaning. It offers the promise of a fair standard of living and the choices in life that are so dependant on that. The opportunity to plan for a future and not just exist from day to day. The means to avoid the descent into that perilous nocturnal world that so frequently contributes to our high mortality rate. It provides us with hope, respect and dignity.

Secondly it creates normalcy. When, unlike Christine Jorgensen, we are the next door neighbour, the person working in the same department, the person on the business side of the counter, the C.E.O. of State Rail, the member of parliament, perhaps even one day the person dating their son, when we have a visible presence in the everyday lives of everyday people, only then will the stereotypes evaporate and the prejudices fade.

## Finale

There is no rationale that can justify the relegating of the transgender community to a life that is sub standard, not economically, not in respect of social justice and certainly not in order to pander to prevailing prejudicial viewpoints. If those in a position to act take no action to facilitate the smooth entry of transgender people into the mainstream community, then they share responsibility for the ongoing carnage that decimates our community.

I implore all governments, whatever their persuasion, to take the lead, make the commitment and set the example. We have been a neglected community for far too long and "neglect" really is a very ugly word.

I leave you with a blank canvas and an invitation to paint a brighter future for the transgender community.