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Gender Discrimination

Victimisation and the Illusion of Legal Protection

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Article appeared in Polare magazine: May 1999 Last Update: October 2013 Last Reviewed: September 2015



Discrimination and victimisation are illegal in Australia and everyone is protected by laws covering such areas. Very desirable, but realistically is it just a grand illusion, and a few well chosen words on paper giving the pretence of people being protected? What if, like myself, you are in gender no person's land, what protection is there then? Does the law protect all people equally, or are there small weaknesses in the ideal, or holes big enough to drive a semi-trailer through?

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I am gender dysphoric, which is fancy medical terminology for the fact that my brain and body do not match. In appearance I am male, whereas my brain insists, and has since I was four years old, that I am female, which leaves me with a slight conflict. Legally I am a male, yet I live as a woman. My legal papers, driver's license, Medicare card etc, have been altered into my female persona, and mostly I am regarded as a female, but despite legal statutes, I do not have the same rights and protection as genetic women are entitled to.

Legally I cannot be discriminated against, or victimised, yet both happen to me almost on a daily basis, ranging from silly looks, to verbal abuse and occasional physical threats to my wellbeing. Prejudice runs deep in a community which cannot tolerate differences that go against the standard 'norms'. Legally, I am protected and can rely upon the police to enforce such protection on my behalf. That is the theory, yet in reality my protection and wellbeing are seen as a trivial and inconsequential matter by law enforcement agents. Unless I am physically attacked and sustain serious injury, I have no protection, and even then, to some, my lifestyle and the way I dress makes me guilty of encouraging such attacks.

From my experience it would appear that a person's rights and legal protection exist only if one follows the paths that society sets, such as are regarded as 'normal' and do not cross the boundaries between the accepted roles and divisions between males and females. Equality of protection exists for all, who live within the acceptable gender dichotomy.

Although attitudes are slowly changing, as proven with the recognition of the gay movement, unfortunately such change is based upon a majority opinion, constant exposure and powerful lobby groups who can change the laws and people's attitudes. Transsexuals, however, are not powerful, we are not a large group, and although our numbers are growing year after year, we do not have the recognition needed to change public misconceptions and opinions.

If I have no apparent legal protection, what alternative is there? I take the law into my own hands? If I attack those who attack me with apparent immunity, then I risk being labelled the protagonist, and being charged as such, as opposed to actually being recognised as the victim.

By retaliating, I also risk lowering myself to the standards of my attackers, whose attitudes I am trying to change, by my hopefully setting a better example.

I abhor the treatment I receive on a regular basis, but if I was to react to every taunt, snigger, abuse or snide comment, I would never have a minute's peace, nor stop fighting. I am in a catch twenty-two situation, in that because of my lifestyle I am seen to encourage negative responses. If I complain, chances are I would make matters worse, or in the least, be laughed at for complaining. If I retaliate, I am in the wrong immediately. Where then is the answer?

A combination of avoidance of areas and situations that would encourage abuse, and an understanding of where those might occur, is vital. This does not mean hiding, but being sensible about where I go and what I do, and because one cannot predict where trouble might arise, a little prevention and forethought goes a long way. By ignoring verbal attacks, not responding to people's stares, glares, and stupid attitudes, and by behaving in as 'normal' manner as possible, I hope that people will eventually see that abusing me in any form is a waste of their time. Confidence is something I do not have a great deal of, yet the more I show, the less bother I sometimes appear to attract.

This all sounds fine, but patience, tolerance, ignoring abuse, walking away, resisting the urge to retaliate - no matter how repetitious the

attacks, or how severe, are not always easy. Why should it be left to me to do this, when the law of the land clearly states that I have a right to protection and the right not to have to tolerate such unwanted, unfair treatment? The simple truth of the matter is the fact that the law exists, and except for extremes, it is not possible to enforce it properly, nor is much of its content taken seriously by those whose responsibility it is to enforce it. As a minority group, with very little public understanding or empathy, transsexuals are not taken seriously in the legal sense by the police, other institutions or enforcement mechanisms.

Equality, legal protection, freedom from discrimination, freedom from victimisation of any kind are there for everyone, providing they stay within the parameters of the acceptable social and societal standards. The illusion of protection for all citizens is just that, an illusion, for opinion it seems, is stronger and more powerful than any legislation, no matter how genuine the legislators. It is not however a question of changing or modifying the laws, but altering people's hearts, minds, attitudes and raising people's awareness of the rights of all people, no matter what their situation, gender, race or background. In an ideal world I would be able to say I have no concerns about contact with the public at large, but we are a long way from such a perfect concept.

Recognition must come first followed by acceptance and understanding of who transsexuals are, and why they are transsexual. Education is a vital element in helping people understand that there is more than simple black and white, but a multitude of greys and colours in between. I am not different, except for the fact that my gender of birth is not my real gender. I am in every way as ordinary, and equal to anyone else in the community, and I am entitled to full legal protection like any other citizen, and not just the illusion of protection.

Polare Magazine is published quarterly in Australia by The Gender Centre Inc., which is funded by the Department of Family & Community Services under the S.A.A.P. program and supported by the N.S.W. Health Department through the AIDS and Infectious Diseases Branch. Polare provides a forum for discussion and debate on gender issues. Unsolicited contributions are welcome, the editor reserves the right to edit such contributions without notification. Any submission which appears in Polare may be published on our internet site. Opinions expressed in this publication do not necessarily reflect those of the Editor, The Gender Centre Inc., the Department of Family & Community Services or the N.S.W. Department of Health.

The Gender Centre is committed to developing and providing services and activities, which enhance the ability of people with gender issues to make informed choices. We offer a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. We are an accommodation service and also act as an education, support, training and referral resource centre to other organisations and service providers. The Gender Centre is committed to educating the public and service providers about the needs of people with gender issues. We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and confidentiality.