

14 September 2021

Dear Governance and Administration Committee

Submission: Inquiry into Supplementary Order Paper 59 on the Births, Deaths, Marriages and Relationships Registration Bill

Tuia te rangi e tū nei
Tuia te papa e takoto nei
Tuia i te here tangata
Tihei mauri ora
He hōnore, he korōria ki te atua ki te runga rawa
He whakaaro maha ki a rātou kua haere ki te wāhi ngaro
Rau rangatira mā, ānei ngā whakaaro me ngā kōrero nā Te Tūāpapa Hauora
Hinengaro

Introduction

Thank you for the opportunity to comment on Supplementary Order Paper 59 (the SOP) on the Births, Deaths, Marriages and Relationships Registration Bill (the BDMRR Bill).

The Mental Health Foundation of New Zealand (MHF) **supports this SOP to allow people to self-identify their sex on their birth records.** Doing so promotes inclusion and helps to strengthen and affirm the gender identities of our takatāpui¹, transgender and non-binary communities.

We urge the Government to continue to progress both legislative and community-led initiatives to promote the inclusion and dignity of, and prevent discrimination and prejudice toward, takatāpui and rainbow communities through a comprehensive work programme.

The current process is harmful to takatāpui, trans and non-binary people

The current process to change one's gender on their birth certificate is expensive, time-consuming and complex. These barriers can have negative impacts on takatāpui, trans and non-binary communities and could result in individuals being

¹ Te ao Māori recognises diverse gender expressions and sexualities. 'Takatāpui', a traditional Māori term meaning 'intimate companion of the same sex,' has been adopted since the 1980s by Māori who are whakawahine, tangata ira tāne, lesbian, gay, bisexual, trans, intersex or queer.

pressured towards medical interventions in order to obtain accurate documents with their correct gender marker.

The SOP seeks to make this process easier and the MHF supports this proposed change. Self-identification of gender on birth certificates will better support our takatāpui, trans and non-binary communities within their schools, workplaces and communities. Having this legal documentation to support these communities may reduce the likelihood of them being referred to by the wrong gender, being outed or being forced to wear the wrong uniforms or use the wrong bathroom. It may also help prevent mental distress experienced in everyday situations and protect the privacy of these individuals.

Sense of identity, belonging and acceptance are protective factors for mental wellbeing that must be nurtured

It is widely recognised that trans and gender non-conforming individuals experience disproportionate rates of negative mental health outcomes compared to gender- and hetero-normative people, as well as gender-normative members of rainbow and takatāpui communities². These outcomes are mainly due to rejection, stigma and discrimination. On the other hand, family support, identity pride and peer support serve as protective factors against these outcomes.³ We therefore support this SOP as a means to strengthen the identity of takatāpui, trans and non-binary communities and the legal inclusion it demonstrates may help boost social inclusion.

The SOP is in step with national and international movements

The SOP is in line with international movements to allow self-identification on legal documentation with several other countries having already passed similar legislation, including Ireland, Norway and Belgium. The UN Free and Equal initiative recommends that governments can create trans-inclusive societies by legally recognising "the gender identity of trans people in official documents through a simple administrative process based on self-identification..."⁴ This change also aligns with article six of the Universal Declaration of Human Rights, that everyone has the right to recognition everywhere as a person under the law.

² Carmel, T.C., & Erickson-Schroth, L. (2016). Mental Health and the Transgender Population. *Journal of Psychosocial Nursing and Mental Health Services*, 54(12), 44-48.

³ Bockting, W. (2014). *The Impact of Stigma on Transgender Identity Development and Mental Health*. 320.

⁴ <https://www.unfe.org/transvisibility/>

Here in Aotearoa, this change will bring the administration of birth certificates in line with our policy around passports and drivers licenses, which already allow for such identification.

Legislation needs to accompany community-led solutions

Although this legal change will better strengthen the identities of takatāpui, trans and non-binary communities in Aotearoa we encourage the Government to continue to progress work in this area. In particular, we support a comprehensive package of community-based and community-led actions to boost inclusion and eliminate prejudice and discrimination where people in the rainbow and takatāpui communities live, work, learn and connect. This work programme should include a particular focus on takatāpui Māori as the Crown has obligations under te Tiriti o Waitangi to reduce disparities experienced by takatāpui Māori.

The Mental Health Foundation contributes to this through its annual anti-bullying campaign *Pink Shirt Day* which aims to stop bullying by celebrating diversity and promoting kindness, inclusivity and positive social relationships. The campaign works closely with representative organisations for rainbow and takatāpui communities. The majority of New Zealanders (79%) were aware of the 2021 *Pink Shirt Day* Campaign (May 2021). The majority of those surveyed (78%) agreed the campaign encouraged them to take action and do something to stop bullying when they witness it and 70 percent agreed they would do something to increase kindness and inclusion.

Summary

Thank you for the opportunity to comment on this SOP to the BDMRR Bill. We believe this legal change is a step forward to promoting better inclusion and reduce prejudice and discrimination for our takatāpui, trans and non-binary communities. We urge the Government to continue to progress legislative and community-led initiatives to further protect the takatāpui and rainbow communities in Aotearoa.

Mauri tū, mauri ora,



Shaun Robinson
Chief Executive
Mental Health Foundation of New Zealand

About the Mental Health Foundation

The MHF's vision is for a society where all people flourish. We take a holistic approach to mental health and wellbeing, promoting what we know makes and keeps people mentally well and flourishing, including the reduction of stigma and discrimination (particularly on the basis of mental health status).

The MHF is committed to ensuring that Te Tiriti o Waitangi and its Articles are honoured, enacted, upheld and incorporated into our work, including through our Māori Development Strategy. We are proud that Sir Mason Durie is a Foundation patron.

The MHF takes a public health approach to our work, which includes working with communities and professionals to support safe and effective suicide prevention activities, create support and social inclusion for people experiencing distress, and develop positive mental health and wellbeing. Our positive mental health programmes include *Farmstrong* (for farmers and growers), *Getting Through Together* (the national wellbeing promotion programme in response to COVID-19, in partnership with Canterbury DHB Public Health Unit) *All Right?* (supporting psychosocial recovery in Canterbury, Kaikōura and Hurunui), *Pink Shirt Day* (challenging bullying by developing positive school, workplace and community environments) and *Open Minds* (encouraging workplaces to start conversations about mental health). Our campaigns reach tens of thousands of New Zealanders each week with information to support their wellbeing and help guide them through distress and recovery.

We value the expertise of tāngata whaiora/people with lived experience of mental distress and incorporate these perspectives into all the work we do.

Established in 1977, the MHF is a charitable trust, and our work is funded through donations, grants and contract income, including from government.