

Equal Identities:

A human rights review of the experiences of
trans and gender diverse people in Australia

March 2026



Acknowledgements

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Content warning

This report contains content which highlights the experiences and impacts of discrimination against trans and gender diverse people. It also includes descriptions of violence and other content and language which readers may find distressing. Please reach out to these or any other support services as needed:

- **QLife** offers free and anonymous peer-support and referral service for LGBTIQ+ people. Phone: 1800 184 527 | Website: qlife.org.au
- **Lifeline** offers 24-hour crisis support and suicide prevention services. Phone: 13 11 14 | Website: lifeline.org.au
- **13Yarn** offers 24/7 culturally safe crisis support for Aboriginal and Torres Strait Islander people. Phone: 13 92 76 | Website: 13yarn.org.au
- **Kids Helpline** offers counselling for children and young people aged 5–25 years. Phone: 1800 55 1800 | Website: kidshelpline.com.au

Aboriginal and Torres Strait Islander people are advised that this document may contain images of persons who have passed away.

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Commissioner's foreword

Trans and gender diverse people are a valued part of our community. They have always existed and make vital contributions to all walks of Australian social, economic, political and cultural life.

In the 21st century, we have seen greater visibility of trans and gender diverse people. We have also witnessed great strides in acceptance and legal protections for trans and gender diverse people in Australia.

Despite this progress, trans and gender diverse people still face significant barriers to the full realisation of their human rights. In recent years, there has been growing opposition to recognising trans and gender diverse people's identity and rights. Accompanying this opposition has been a great deal of misinformation and disinformation.

Equal Identities provides a snapshot of trans and gender diverse people's rights in Australia. The Commission listened to trans and gender diverse people's experiences and reviewed Australian and international research. We heard the distinct experiences and challenges facing trans and gender diverse people from diverse backgrounds, such as Aboriginal and Torres Strait Islander people, culturally and racially marginalised people and people with disability.

Many of the challenges facing trans and gender diverse people have their origins in stereotypes about gender, masculinity and femininity. Understanding the experiences of trans and gender diverse people provides insights which benefit people of all genders.

The submissions that we received addressed many domains of life for trans and gender diverse people. We have grouped the report into 3 themes that lie at the core of human

rights: being safe, being seen and heard (dignity) and being able to participate. Within those themes, *Equal Identities* examines topics such as violence, healthcare, education, employment and sport.

The report's recommendations focus on actions governments and service providers can take. They aim to remove barriers, reduce prejudice and enable trans and gender diverse people to flourish in Australia.

I thank the people and organisations who made submissions and the members of the expert advisory group. I especially thank those trans and gender diverse people who shared your lived and living experience. I appreciate your strength, adaptability and commitment to authenticity.

It is fitting to close with a quote from the edited collection *Nothing to Hide: Voices of Trans and Gender Diverse Australia* (2022). It is from Amao Leota Lu – a Samoan Fa'afafine/trans woman who is a public speaker, performer and advocate. She says:

[T]here are so many things I love about my gender. My creativity, my artform, my playfulness. My joy of just being fully myself. Nothing beats the truth of it. I love my Fa'afafine and trans identity. I wear it as a badge of honour. I think for a lot of trans people, living their authentic self, it's one of those goals that's so important to us because that's all we want at the end of the day. To live and be our authentic self.¹



Dr Anna Cody
Sex Discrimination
Commissioner

Executive summary

Trans and gender diverse people in Australia come from all walks of life. They are neighbours, teachers, parents, nurses, doctors, sex workers, students, artists, professionals, athletes, truck drivers and retirees. They make many contributions to Australian society in community organisations, government, business, cultural and family life. Trans and gender diverse people have the same potential to thrive and flourish as anyone else.

Yet, many trans and gender diverse people experience significant and preventable barriers to their safety, dignity and full participation in society. These barriers span all domains of life, including healthcare, housing, education, employment and public life, and are often intensified for those who also experience racism, ableism, ageism and other forms of marginalisation. Trans and gender diverse children and young people also face additional, distinct challenges.

Despite these documented barriers, trans and gender diverse people, and LGBTIQ+ communities more broadly, are rarely considered or included in data collection, or in the design and implementation of government policies, programs and frameworks that directly affect them.

Equal Identities explores challenges facing trans and gender diverse people across all domains of Australian society. It provides a national human rights review of these experiences, drawing on the expertise, insight, lived and living experience shared in 97 submissions, as well as Australian and international research. It identifies what must change to ensure trans and gender diverse people can fully realise their human rights.

If governments, service providers and civil society address these challenges and barriers, trans and gender diverse people will be able to flourish. That will benefit not just trans and gender diverse people, but everyone in Australia.

The findings and recommendations are organised around 3 interconnected themes:

- being safe
- being seen and heard (dignity)
- being able to participate.

Purpose and scope

This report examines the human rights situation of trans and gender diverse people in Australia. It maps challenges, identifies examples of good practice, and proposes practical reforms for governments and service providers to ensure all people can live safely and participate fully in Australian life.

Methodology

The Commission reviewed a wide range of Australian and international research and considered 97 submissions, including but not limited to subject matter experts from:

- academics and research institutions
- advocacy and activist organisations and groups
- community-controlled health organisations
- healthcare professionals and organisations
- legal professionals and organisations
- policy makers and workers
- service providers.

Human rights framework

This report is based on Australia's commitments under international human rights law, including the:

- *International Covenant on Civil and Political Rights*
- *International Covenant on Economic, Social and Cultural Rights*
- *Convention on the Rights of the Child*
- *Convention on the Elimination of All Forms of Discrimination Against Women*
- *Convention on the Rights of Persons with Disabilities*

- *International Convention on the Elimination of All Forms of Racial Discrimination*
- *Convention Relating to the Status of Refugees*
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

Although most of these treaties were written with specific groups in mind, their protections extend to trans and gender diverse people. The core principles of fairness, non-discrimination, dignity and safety apply to everyone.

These treaties affirm universal rights to equality, safety, health, education and participation in community life. This report also draws on the Yogyakarta Principles, which explain how these rights apply to people of all sexual orientations, gender identities, gender expressions and sex characteristics.

Being safe

Violence and harassment: Trans and gender diverse people report high levels of physical, sexual and technology-facilitated violence and harassment – in public, at home and online – with significant impacts on health and wellbeing. Abuse also targets allies and people perceived as gender nonconforming. Gaps in legislation and inconsistent anti-discrimination and anti-vilification protections across states and territories create confusion and barriers for trans and gender diverse people seeking safety, protection and redress.

Online safety: Exposure to sustained online hate, disinformation and coordinated harassment (including doxxing) undermines dignity, privacy and participation. Platform policy changes, weak moderation and algorithmic amplification of hostile content are increasing harm, especially for trans and gender diverse young people.



Forcibly displaced people: Trans and gender diverse refugees and asylum seekers face persecution risks, evidentiary burdens in protection processes, limited access to services, and safety concerns in immigration detention. These barriers are compounded by system settings that rarely reflect or accommodate gender diversity.

Justice, policing and imprisonment: Many trans and gender diverse people distrust police due to past harms and current experiences of disrespect and misgendering. In prisons, trans and gender diverse people – particularly trans women – face heightened risks of violence, extended solitary confinement framed as ‘protective custody’, barriers to accessing healthcare and difficulties with legal recognition. Best practice emphasises alternatives to imprisonment, and justice reinvestment.

Housing: Trans and gender diverse people are overrepresented in homelessness and housing stress. Discrimination occurs across private rentals, social housing and crisis accommodation. Gendered service models can exclude or endanger people whose legal markers or affirmed gender are not recognised.

Being seen and heard (dignity)

Data and research: Australia lacks robust, consistent population data on trans and gender diverse communities, which limits policy design, service delivery and accountability. The ABS 2020 Standard provides best-practice questions (sex recorded at birth, current gender, sexual orientation and variations of sex characteristics) and should be adopted across all governments and research.

Health and wellbeing: Trans and gender diverse people experience poorer health outcomes because of stigma, discrimination and service inaccessibility. Systemic barriers include long wait times, costs, under-resourced services, limited provider training and experiences of misgendering, deadnaming and privacy breaches.

Gender-affirming healthcare:

Gender-affirming healthcare is an evidence-informed, individualised suite of social and clinical support. It includes gender-affirming hormone treatment and, for young people, puberty suppression under clinical governance. Contemporary standards and reviews indicate positive outcomes and note the need for ongoing high-quality longitudinal research. However, there are many barriers to accessing gender-affirming healthcare, including cost, geography, gaps in professional training and false information.

Legal recognition: Many people face hurdles updating their name and gender marker across identity documents and systems (including health, employment checks and crisis services). Best practice is self-determination in legal recognition, with streamlined, accessible and nationally consistent processes.

Being able to participate

Religion: Broad religious exemptions from anti-discrimination laws, especially in education and service provision, create uncertainty and can legitimise the exclusion of trans and gender diverse students, staff and service users. Clear, consistent protections are needed to ensure access and safety.

Education: From early learning to tertiary contexts, students require clear policies, trained staff and inclusive environments to learn safely.

Employment: Discrimination persists in recruitment, career progression and workplace culture. A positive duty would obligate employers to, as far as practicable, prevent discrimination and build systems to respond when discrimination does occur.’

Sport: Recent public discussions have contributed to the increased exclusion of trans and gender diverse people from sport. Inclusion policies should be evidence-based, aligned with human rights standards and proportionate to the level and nature of each sport. Community sport should emphasise broad participation.

Recommendations

Recommendation 1

Federal, state and territory governments should introduce consistent legislation to protect LGBTIQ+ people and their associates from vilification, incitement of hatred and threats of physical harm.

Governments should design these laws in consultation with LGBTIQ+ communities, including trans and gender diverse communities, and should include both civil prohibitions and criminal offences.

Recommendation 2

The Australian Government Department of Social Services should require and report on LGBTIQ+ and trans and gender diverse representation in their workforce and on key advisory groups, committees and rapid reviews in key areas such as housing, domestic, sexual and family violence prevention, and community services.

Recommendation 3

The Domestic, Family and Sexual Violence Commission (DFSVC) should establish an ongoing LGBTIQ+ working group, including trans and gender diverse representation, to:

- a. provide advice on initiatives to prevent and respond to gender-based violence, including implementation of the [*National Plan to End Violence Against Women and Children 2022-2032*](#)

- b. develop initiatives to build workforce capacity and understanding of how intersecting forms of discrimination can affect trans and gender diverse people's experiences of domestic, family and sexual violence
- c. strengthen relationships and cross-capacity building between the DFSVC, crisis response services and trans and gender diverse stakeholders.

Recommendation 4

The Australian Government Attorney General's Department, along with state and territory governments, should establish LGBTIQ+ justice working groups that include trans and gender diverse representation. The working groups should protect the human rights of trans and gender diverse people by:

- a. working with criminal justice systems (police, courts and prison systems) to design and monitor policies and practices
- b. working with the trans and gender diverse community to develop methods to identify and track hate crimes, including community reporting mechanisms
- c. advancing priority areas of justice and law reform, including decriminalisation of appropriate offences, justice reinvestment and measures to address and prevent discriminatory behaviours.

Recommendation 5

Federal, state and territory governments should provide sustainable, targeted funding to address capacity gaps in legal service provision for trans and gender diverse people, as identified in the 2025 report '[A Blueprint for Equality: Resourcing LGBTIQ+ Community Legal Centres](#)'.

Recommendation 6

Federal, state and territory governments should ensure crisis accommodation and homelessness support services offer inclusive support and are adequately funded to do so. This includes increasing sector-wide awareness, understanding and capabilities about intersecting marginalisations which affect trans and gender diverse people from diverse backgrounds.

Recommendation 7

All government, government-affiliated and government-funded bodies that collect demographic data should ensure data on gender, sexuality and innate variations of sex characteristics (sometimes known as intersex variations) is collected in line with the ABS [Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables \(2020\)](#). This includes:

- a. collecting data on gender identity from everybody to ensure that health and support services have the data necessary to meet the needs of trans and gender diverse children and adolescents

- b. implementing new data collection protocols in partnership with LGBTIQ+ and trans and gender diverse specific organisations to establish community trust and ensure privacy and sensitivity concerns are understood.

Recommendation 8

The Australian Government Department of Health, Disability and Ageing should require and report on LGBTIQ+ and trans and gender diverse representation in their workforce and on key advisory groups, committees and rapid reviews. The Department should also establish a specific ongoing LGBTIQ+ Health Advisory Group to:

- a. provide advice on matters relating to trans and gender diverse health, and LGBTIQ+ health more broadly
- b. provide advice on relevant government initiatives affecting LGBTIQ+ communities, such as the [National Suicide Prevention Strategy 2025-2035](#) and the [National Action Plan for the Health and Wellbeing of LGBTIQ+ People 2025-2035](#)
- c. advise on LGBTIQ+ health data collection and contribute to the continuous improvement of the Health Data Portal and key national data sets.

Recommendation 9

Healthcare providers and education and training institutions (i.e. universities, TAFEs) should ensure that all healthcare and healthcare-adjacent workers and students receive education and ongoing professional development on inclusive care for trans and gender diverse people. This includes awareness of how intersecting forms of discrimination can affect trans and gender diverse people's health and access to healthcare services.

Recommendation 10

Federal, state and territory governments should introduce or amend legislation to ban conversion or suppression practices. This legislation should follow the following principles:

- a. design the legislative framework in consultation with survivors of conversion or suppression practices
- b. apply the ban on conversion and suppression practices to both religious and secular settings
- c. make it unlawful to take someone out of the jurisdiction for conversion or suppression practices
- d. allow reporting by third parties
- e. carefully define and provide examples of what is and is not a conversion or suppression practice
- f. include an education plan which covers:
 - i. who is protected by the law
 - ii. how to identify conversion or suppression practices
 - iii. awareness of harm caused by conversion or suppression practices.

Recommendation 11

Federal, state and territory governments should reduce barriers that prevent trans and gender diverse people from accessing all forms of healthcare, including gender-affirming healthcare. Reducing barriers includes:

- a. increasing staff and service resourcing to meet urgent needs on existing waitlists for publicly funded hospitals and clinics
- b. running proactive public awareness campaigns that address misinformation and disinformation which target trans and gender diverse people's healthcare
- c. funding service access for trans and gender diverse people in remote, rural and regional communities.

Recommendation 12

Federal, state and territory governments should:

- a. end pauses on puberty suppressants and other hormone therapies for children and young people
- b. ensure that, in line with other areas of adolescent medicine, *Gillick* competence and clinical standards of care are the framework guiding the provision of healthcare to trans and gender diverse children and young people.

Recommendation 13

The Australian Government should repeal Section 43A of the *Sex Discrimination Act 1984* (Cth).

Recommendation 14

The Australian Government should:

- a. amend section 37(1)(d) and repeal section 38 of the *Sex Discrimination Act 1984* (Cth) and make consequential amendments to the *Fair Work Act 2009* (Cth), as recommended by the Australian Law Reform Commission in its 2024 report [‘Maximising the Realisation of Human Rights: Religious Educational Institution and Anti-Discrimination Laws’](#)
- b. request the Australian Law Reform Commission to further review and make recommendations about how to amend the exemption for religious bodies under section 37(1)(d) of the *Sex Discrimination Act 1984* (Cth).

Recommendation 15

State and territory governments should review and amend their anti-discrimination legislation to ensure that trans and gender diverse people have equal access to publicly funded services, including those provided by religious bodies.

Recommendation 16

The Australian Government Department of Education should require LGBTIQ+ and trans and gender diverse representation on key advisory groups, committees and rapid reviews. The Department should also establish an LGBTIQ+ Youth Advisory Group to provide input into:

- a. education policy settings
- b. the role of teachers
- c. curriculum content
- d. targeted anti-bullying program support.

Recommendation 17

Federal, state and territory education departments should review their current policies, practices and curricula to ensure that they support an inclusive model. This model should embed inclusion of trans and gender diverse students as part of teacher training and professional development for all staff across all levels of government funded education institutions.

Recommendation 18

Educational institutions receiving government funding should have policies to prevent discrimination and harassment of trans and gender diverse students, staff and parents.

Recommendation 19

The Australian Government should expand the positive duty in the *Sex Discrimination Act 1984* (Cth) to cover protected attributes outlined in sections 5A, 5B and 5C of the Act.