

# Legal and Social Mapping – Oceania #1

		Legal Gender Recognition		Anti-Discrimination, Hate Crime and Asylum Legislation			
		Legal Change of Name	Legal Change of Gender	Anti-Discrimination	Hate Crime [Trans Specific]	Asylum [Trans Specific]	Inclusion in Constitution
American Samoa	Legal Measure	⊖	⊖	✓ ♀	⊖	?	✓
	Proposal/Initiative						
Australia	Legal Measure	✓	✓ ⭐ ⚙️ ⚙️ ⚙️ ⚙️	✓ ⭐ ♀	✓ ⭐	✓ ⚠️	⊖
	Proposal/Initiative			✓ ♀			✓
Cook Islands	Legal Measure	?	⊖	✓	?	?	✓ ♀
	Proposal/Initiative						
Fiji	Legal Measure	?	⊖	⊖	⊖	?	⊖
	Proposal/Initiative						
Guam	Legal Measure	✓	⊖	✓ ♀	✓	?	✓
	Proposal/Initiative						
Kiribati	Legal Measure	⊖	⊖	⊖	⊖	?	⊖
	Proposal/Initiative						
Nauru	Legal Measure	⊖	⊖	⊖	⊖	⊖	⊖
	Proposal/Initiative						
New Caledonia	Legal Measure	⊖	⊖	✓	⊖	?	⊖
	Proposal/Initiative						
New Zealand	Legal Measure	✓	✓ ⚙️ ⚙️ ⚙️ ⚙️	✓	✓	✓	⊖
	Proposal/Initiative			✓ ♀			
Niue	Legal Measure	✓	⊖	⊖	⊖	?	✓
	Proposal/Initiative						
Papua New Guinea	Legal Measure	⊖	⊖	✓	⊖	?	✓
	Proposal/Initiative						
Samoa	Legal Measure	⊖	⊖	✓	⊖	?	⊖
	Proposal/Initiative				✓		
Solomon Islands	Legal Measure	⊖	?	?	⊖	?	⊖
	Proposal/Initiative						
Tahiti	Legal Measure	⊖	⊖	✓	?	?	✓
	Proposal/Initiative						
Tokelau	Legal Measure	⊖	⊖	?	?	?	⊖
	Proposal/Initiative						
Tonga	Legal Measure	✓ ⚠️	⊖	⊖	⊖	⊖	⊖
	Proposal/Initiative		✓ ⚠️		✓		✓
Tuvalu	Legal Measure	⊖	⊖	⊖	⊖	?	⊖
	Proposal/Initiative						



TRANSRESPECT VERSUS TRANSPHOBIA  
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# Legal and Social Mapping – Oceania

## Transrespect versus Transphobia Worldwide

Transrespect versus Transphobia Worldwide [TVT] provides an overview of the human rights situation of trans persons in different parts of the world and develops useful data and advocacy tools for international institutions, human rights organisations, the trans movement and the general public. It is a comparative, ongoing qualitative-quantitative research project conducted by TGEU's TVT team in close cooperation with 20 partner organizations and more than 50 trans activists and researchers in all six world regions.

The data collected are compiled and updated periodically and can be viewed in detail on the TVT website: [www.transrespect-transphobia.org](http://www.transrespect-transphobia.org).

These TVT 'Legal and Social Mapping – Oceania' tables provide information on the legal and social situation of trans people and gender diverse people in 17 Oceanian countries/states/islands. They are part of the TVT 'Legal and Social Mapping – World', which covers 116 countries in Africa, Asia, Central and South America, Europe, and Oceania.

### #1 Legal Gender Recognition, Anti-Discrimination, Hate Crime and Asylum Legislation

The TVT 'Legal and Social Mapping – Oceania #1 Legal Gender Recognition, Anti-Discrimination, Hate Crime and Asylum Legislation' tables visualise trans-specific and trans-inclusive laws and how they are used in actual

practice. The tables also list law proposals and initiatives that challenge existing measures and serve to indicate existing trans activism.

### #2 Criminalisation, Prosecution, State-Sponsored Discrimination and Hormones, Hormone Therapy and Gender Reassignment Treatment/Surgery

The TVT 'Legal and Social Mapping – Oceania #2 Criminalisation, Prosecution, State-Sponsored Discrimination and Hormones, Hormone Therapy and Gender Reassignment Treatment/Surgery' tables provide information on legal measures that criminalise trans people, showing important differences between criminalisation and actual prosecution. The tables also show different forms of state-sponsored discrimination ranging from legal exclusion of non-binary identities to e.g. exclusion from certain professions [teachers, police, military]. They also give

insight into trans people's health-care situation, showing several aspects of medically supervised hormone therapy and gender reassignment treatments, including requirements like 'psychiatric diagnosis', as well as the availability of funding. They also list the existence of 'alternative practices', such as acquiring hormones on the black market or applying industrial silicone without medical supervision.

### #3 Community / Movement, Good Practices and Reports of Transphobic Incidents

The TVT 'Legal and Social Mapping – Oceania #3 Community / Movement, Good Practices and Reports of Transphobic Incidents' tables provide important information on the structures, stages of development, and successes of trans communities and movements and their activism. This includes e.g. the availability of funding for trans organisations and alliance-building with other movements. Furthermore, the mapping of

the existence of good practices by trans organisations, trans communities and their allies, but also by governments and state institutions, provides deeper insight into the social situation of trans people. At the same time, we also map reports of transphobic incidences that illustrate how well widespread forms of transphobic attacks are reported and documented.

## Key and Footnotes

Existing legal measure <sup>1</sup>	With Pathologization	Ban on Pathologization
Different in Practice <sup>2</sup>	Only after GRS / Sterilization	Change of Birth Certificate
No existing legal measure	Only male / female gender marker option	Privacy Protection
Different in Practice <sup>2</sup>	Only after Gender Reassignment Therapy	Specified as Transgender / Gender Identity
Existing proposal / initiative <sup>1</sup>	New marriage after legal change of gender	
Only in parts of the country	New marriage and keep existing marriage	
No appropriate data	More than male / female gender marker options	

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<sup>1</sup> Icons displayed behind the green and yellow 'check' icons specify the legal measure/proposal; in the column 'Legal change of name', these are restrictions; in the column 'Legal change of gender', these are restrictions or positive specifications.

<sup>2</sup> The Icon 'Different in practice' applies both to countries with existing legal measures, meaning a limitation [red icon], and to countries without legal measures, meaning practical possibilities without existing legislation [yellow icon].

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The 'Legal and Social Mapping – Oceania' was produced by Transgender Europe's Transrespect versus Transphobia Worldwide [TVT] project [current as of Aug. 2014]. Continuous updates and more detailed information can be found at [www.transrespect-transphobia.org](http://www.transrespect-transphobia.org).

The TVT research report from 2012 discusses and contextualises these Mappings: [www.transrespect-transphobia.org/uploads/downloads/Publications/TVT\\_research-report.pdf](http://www.transrespect-transphobia.org/uploads/downloads/Publications/TVT_research-report.pdf).

[www.transrespect-transphobia.org](http://www.transrespect-transphobia.org)

# Legal and Social Mapping - Oceania #2

	Criminalisation, Prosecution and State-Sponsored Discrimination			Hormones and Hormone Therapy			Gender Reassignment Treatment/ Surgery and Body Modifications			
	Criminalisation	Prosecution	State-Sponsored Discrimination	Medical Supervision	Without Medical Supervision	Funding	Available Forms	Requirements	Funding	'Alternatives' <sup>1</sup> when no or limited GRT/GRS
American Samoa	⊙	⊙	⊘	⊙	⊙ P TP	⊖	⊖	⊖	⊖	⊖
Australia	⊙	⊙	⊙	⊙	⊙ I	⊖	BA BHA CR H HR L Ma P RPT V	⊙	⊙ PHS	⊙
Cook Islands	⊙	⊙	⊘	⊙	⊙ TP	⊖	⊙	⊙	⊙	⊙
Fiji	⊙	⊙	⊘	⊙	⊙ P	⊖	⊖	⊖	⊖	⊙
Guam	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
Kiribati	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
Nauru	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
New Caledonia	⊙	⊙	⊘	⊙	⊙ P	⊖	⊖	⊖	⊖	⊙
New Zealand	⊙	⊙	⊙	⊙	⊙ B P I	⊙ PHS	BA CR H HR L Ma RPT V	⊙	⊙ PHS	⊙
Niue	⊙	⊙	⊘	⊙	⊙ P O	⊖	⊖	⊖	⊖	⊙
Papua New Guinea	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
Samoa	⊙	⊙	⊘	⊙	⊙ P TP	⊖	⊖	⊖	⊖	⊙
Solomon Islands	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
Tahiti	⊙	⊙	⊘	⊙	⊙ P TP	⊖	BA HR RPT	⊙	⊙	⊙
Tokelau	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙
Tonga	⊙	⊙	⊘	⊙	⊙ P O	⊖	⊖	⊖	⊖	⊙
Tuvalu	⊙	⊙	⊘	⊙	⊙	⊖	⊖	⊖	⊖	⊙

## Key und Footnotes

- ⊙ Legal exclusion of non-binary identities
- ⊙ Existing legal measures/ documented practice
- ⊙ Criminalisation/ prosecution/ discrimination under certain circumstances
- ⊙ No existing legal measure
- ⊙ No documented cases
- ⊙ Only in parts of the country
- ⊙ No appropriate data

## Criminalisation, Prosecution and State-Sponsored Discrimination

- CD So-Called Cross-Dressing
- G GRT/GRS
- E Employment
- TE Trans Events
- TO Trans Organisations
- O Other<sup>2</sup>

- ⊙ No/none
- ⊙ Existing practice without medical supervision
- ⊙ Provided under medical supervision
- ⊙ Only with psychiatric diagnosis
- ⊙ No appropriate data
- ⊙ Only in parts of the country

## Without medical supervision

- B Blackmarket
- I Internet
- P Pharmacies
- TP Trans People
- O Other

## Funding

- NHI National Health Insurance
- PHI Private Health Insurance
- PHS Public Health System
- O Other

## Available forms

- AC Adam's Apple Contouring
- BA Breast Augmentation
- BHA Buttock/Hip Augmentation
- CR Chest Reconstruction
- HR Hair Removal
- H Hysterectomy
- L Liposuction
- Ma Mastectomy
- Me Metoidioplasty
- P Phalloplasty
- RPT Removal of Penis/ Testicles
- V Vaginoplasty

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1 Include GRS done abroad or illegally, application of industrial silicone etc.

2 Legal measures used to target trans people being visible as trans people in public, e.g. anti-homosexuality bills, anti-prostitution laws, nuisance laws

# Legal and Social Mapping - Oceania #3

	Community / Movement				Good Practices			Reports of Transphobic Incidents [since 2008]								
	Existence of Visible Trans Community	Existence of own terms for Trans People	Existence of Trans Organisation(s)	Funding of Trans Organisations	Initiatives of Trans Organisations	Regular Publications of Trans Organisations	Network(s) of Trans Organisations	Alliances with	Government/State Institutions	Trans Movement/Organisations	Allies	Murder <sup>1</sup>	Extreme Physical Violence [Torture Rape...]	Physical Assault(s)	Psychological Violence	Hate Speech
American Samoa	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Australia	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Cook Islands	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Fiji	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Guam	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Kiribati	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Nauru	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
New Caledonia	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
New Zealand	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Niue	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Papua New Guinea	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Samoa	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Solomon Islands	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Tahiti	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Tokelau	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Tonga	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Tuvalu	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙

## Key und Footnotes

- ⊙ No/None
- ⊙ Yes
- ⊙ Only in parts of the country
- ⊙ No appropriate data
- ⊙ Documented cases
- ⊙ No documented cases

## Organisations

- LR Legally registered
- NLR Not legally registered

## Funding

- C Funded by community
- FS Funded by foreign states [e.g. embassies, foreign ministries, development agencies, etc.]
- NGO Funded by other NGOs
- P Funded by private foundations, private corporations, etc.
- S Funded by state/ governmental institutions

## Alliances

- Anti-Disc Anti-discrimination movements/ Organisations
- AIDS AIDS/HIV Organisations
- Disab Disabled movement/ Organisations
- Fem Feminist/women's movement/ Organisations
- HR Human-rights Organisations
- LB Lesbian-Bi [LB] movement/ Organisations
- LBT Lesbian-Bi-Trans [LBT] movement/ Organisations
- LCBT Lesbian-Gay-Bi-Trans [LCBT] movement/ Organisations
- PP Political parties
- ST Student movement/ Organisations
- SW Sex-workers' movement/ Organisations
- TU Trade unions
- Youth Youth movement/ Organisations

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1 Due to TGEU's Trans Murder Monitoring project [TMM], in some countries documentation of transphobic murders is better than documentation of other forms of transphobic violence. In general, all forms of transphobic violence are underreported in most countries. The inclusion of TMM data may therefore lead to an 'overrepresentation' of transphobic murders in some countries.