



## **Violence, Harassment and Bullying and the LGBTI Communities<sup>1</sup>**

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<sup>1</sup> The Commission respects diversity of all kinds. We acknowledge the significance of terminology and that the use of inappropriate terminology can be disempowering. We also acknowledge that terminology is contested. The Commission understands that LGBTI people form a diverse group and sexuality or sex or gender identity is only one aspect of a person's total identity.

The Commission understands that issues concerning sexual orientation are quite different to issues concerning sex and/or gender identity. However, the Commission is also mindful that some trans and intersex people feel strongly about the benefits of affiliation with the gay, lesbian and bisexual community. For this reason and because it is internationally recognised, the Commission uses the acronym 'LGBTI' which stands for Lesbian, Gay, Bisexual, Trans and Intersex.



## **1 Why are violence, harassment and bullying human rights issues?**

### **(a) *Protection from violence, harassment and bullying is a stand-alone human right***

Everyone has the right to be respected and safe,<sup>1</sup> regardless of their race, ethnicity, religion, gender, sexual orientation, disability or age.<sup>2</sup> Violence, harassment and bullying are violations of these fundamental human rights.

Sexual orientation and sex and/or gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse.<sup>3</sup>

### **(b) *Experience of violence, harassment and bullying can lead to other human rights breaches***

All persons, regardless of sexual orientation or sex and/or gender identity, are entitled to the full enjoyment of all human rights. Protection from violence, harassment and bullying is essential to ensure that all persons can fully enjoy all human rights. In many respects, the impact of verbal abuse, bullying and harassment is just as serious as physical violence.<sup>4</sup>

### **The rights to life, freedom from torture and security of the person**

Everyone, regardless of sexual orientation or gender identity, has the right to security of the person and to protection by the government against violence or bodily harm.<sup>5</sup> The government has an obligation to prohibit and prevent torture and other cruel, inhuman or degrading treatment or punishment, including for reasons relating to sexual orientation or gender identity.<sup>6</sup> The United Nations has condemned all killings based on sexual orientation.<sup>7</sup>

### **The right to health**

Everyone has the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, without discrimination on the basis of sexual orientation or gender identity.<sup>8</sup> Sexual rights are human rights and include the right of all persons to express their sexual orientation without fear of persecution, denial of liberty or social interference.<sup>9</sup>

This means that no one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity or to undergo any form of medical treatment, procedure or testing based on sexual orientation or gender identity.<sup>10</sup>

LGBTI people experience high rates of physical and mental health problems. Young people who have suffered violence and abuse report poorer physical health.<sup>11</sup> Violence, harassment and bullying also have an impact on mental health. There are much higher numbers of attempted suicide and self harm across the LGBTI community when compared with the general community.<sup>12</sup> Amongst same-sex



attracted youth, the experience of verbal abuse doubled the likelihood of self harm, and the experience of physical abuse tripled the likelihood of self harm.<sup>13</sup>

As a result of violence, harassment or bullying, some people who identify as lesbian, gay, bisexual, transgender or intersex may not freely disclose information about their sexuality to health care providers. This could have an adverse impact on their general health and well-being, as well as limit their access to health information and services that would improve quality of life.

### **The right to education**

We all have the right to education. Education needs to be socially inclusive, non-discriminatory, adaptable to the needs of diverse communities and of an acceptable quality. This means that the right to education applies without discrimination on the basis of sexual orientation and gender identity.<sup>14</sup>

Violence, harassment and bullying can each have a negative impact on the right of all people to have equal access to education. Anecdotal evidence suggests that significant numbers of LGBTI students will leave school because of safety concerns.<sup>15</sup> For example, a study of harassment and violence against lesbian, gay, bisexual and transgender youth in U.S. schools found that youths with diverse sexual and/or gender identities were more likely to use alcohol or drugs, engage in risky sexual behaviours or run away from home.<sup>16</sup>

### **The right to an adequate standard of living (including housing, work)**

Everyone has the right to decent and productive work, to just and favourable conditions of work and to protection against unemployment.<sup>17</sup> Everyone also has the right to adequate housing.<sup>18</sup>

There is research to suggest that some people are denied employment, face dismissal from their jobs, are unable to rent property or are forced from their homes because of discrimination, violence, harassment or bullying based on their sexual orientation or gender identity.<sup>19</sup>

### **The right to privacy**

Everyone is entitled to the enjoyment of privacy without arbitrary or unlawful interference. This includes the right to disclose or not to disclose information relating to one's sexual orientation or gender identity.<sup>20</sup> The right to privacy is essential to human dignity.

As a result of violence, harassment and bullying a person who is gay, lesbian, bisexual, transgender or intersex may be forced to disclose their sexual orientation or gender identity when they would otherwise choose not to do so, resulting in a violation of their right to privacy.

### **The right to participate in public and cultural life; the right to freedom of opinion and expression; the right to peaceful assembly and association**



Everyone has the right to freedom of opinion and expression, including through speech, dress, bodily characteristics and choice of name.<sup>21</sup> Everyone has the right to freedom of peaceful assembly and association and to take part in public life.<sup>22</sup>

The Special Representative of the Secretary-General on the situation of human rights defenders has condemned intimidation of and attacks on lesbian, gay, bisexual, transgender and intersex activists.<sup>23</sup>

As a result of violence, harassment and bullying, members of the gay and lesbian communities have reported feeling 'less safe' relative to others.<sup>24</sup> This fear can prevent people from freely expressing their sexuality or gender identity. It can also lead LGBTI people to modify their daily activities in a way that impacts on their enjoyment of the right to participate in public life or the right to freedom of association.<sup>25</sup> In addition, they may feel that they would not be safe if they were to disclose their sexual orientation or gender identity, resulting in a violation of the right to freedom of expression.

## **2 About the LGBTI communities in Australia**

Many terms are used to describe people who are sex and gender diverse. There is much controversy surrounding specific terms and definitions. The phrase LGBTI is commonly used to describe the community, which stands for Lesbian, Gay, Bisexual, Trans and Intersex.

Although it is difficult to measure, approximately 2.5% of males and 2.2% of females self-identify as homosexuals or bisexuals.<sup>26</sup> About 10% of young people experience feelings of sexual attraction towards people of the same sex.<sup>27</sup>

LGBTI people have the right to enjoy all human rights including the right to live free from violence, harassment and bullying.

## **3 Hidden, under-reported and under-recorded**

Violence, harassment and bullying are often hidden, under recorded and under reported.<sup>28</sup> This makes it difficult to gain an accurate representation of the extent of the problem. Reasons for the lack of accurate statistics are multifaceted and linked with the entrenched and complex nature of violence, harassment and bully in the community. There can be considerable fear and stigma associated with reporting violence and sexual abuse. This can be exacerbated when there are not appropriate and accessible support services available. There is also widespread societal acceptance of bullying and harassment, including some forms of violence, which are seen as 'normal' in many settings.

Also of concern is the lack of **disaggregated data** showing how rates of physical and sexual abuse vary across different populations.



## 4 Key statistics and how LGBTI tend to experience violence, harassment and bullying?

The prevalence of violence, harassment and bullying in the LGBTI community is arguably proportionally higher than that experienced in the general community.<sup>29</sup> A NSW study found that over 85% of the LGBTI community in NSW had experienced homophobic abuse, harassment or violence during their life.<sup>30</sup>

People in the LGBTI communities experience violence, harassment and bullying in a number of ways:

- **Bullying** can include a range of things, such as verbal abuse, hate mail, obscene telephone calls, physical attack or threatening behaviour.<sup>31</sup> It can be both direct (such as hitting or teasing) or indirect (such as spreading gossip or enforcing social isolation). A large percentage of transgender people have experienced some form of bullying, including having rumours spread about them, receiving lesser treatment or being refused service because of their name or sex on documents.<sup>32</sup>

*people at school were generally supportive, but homosexuality is something everyone talks about, so when i came out to a few friends, it wasn't long before the whole school knew. the worst time in my life was when some kids at my school got my phone number and started leaving voice messages on my phone saying abusive things... i have also found that people talk, and kids from other schools know who i am, so sometimes at the local shopping centre kids from other schools give me threatening looks as I walk by.<sup>2</sup>*

- **Harassment** includes such things as spitting, offensive gestures and threatened or attempted physical attack. The LGBTI communities report high levels of harassment, including receiving obscene mail or telephone calls.<sup>33</sup>
- Rates of **assault and abuse** against people in the LGBTI communities are high. The type of abuse most commonly experienced is verbal abuse, which includes name calling, insults, threats and rumour spreading.<sup>34</sup> A national study of same sex attracted young people showed 44% had been verbally abused and 16% had been physically abused.<sup>35</sup> A recent Victorian study of people in same sex relationships showed that over 80% of participants had experienced public insult, 70% verbal abuse, 20% explicit threats and 13% physical assault.<sup>36</sup> Large numbers of LGBTI people report having objects thrown at them.<sup>37</sup>
- **Damage or threats of damage to property** can also constitute bullying and harassment. Less common forms of harassment and bullying in the LGBTI community include property damage, vandalism and theft.<sup>38</sup>

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<sup>2</sup> Josh's story, 'Writing Themselves in 3', *The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*, Australian Research Centre in Sex, Health and Society, La Trobe University 2010.



- **Sexual violence, abuse or assault** can occur in a variety of contexts.
- **Domestic violence** can also occur in same-sex families. Specific to LGBTI relationships is the abusive partner 'outing' or threatening to 'out' someone to their family, friends, colleagues or the general community.<sup>39</sup>

## **5 Settings**

### **(a) Home and family**

Some violence against and among the LGBTI communities takes place at home, and like other instances of domestic violence, it is often hidden and underreported.

A 2006 survey found significant levels of violence and abuse in same sex relationships.<sup>40</sup> There is research to suggest that the prevalence of violence in the gay and lesbian community is at least similar to heterosexual family violence and may indeed be higher.<sup>41</sup> The types of abuse that have been reported are varied, ranging from controlling, jealous behaviour and humiliation to physical and sexual abuse.<sup>42</sup>

Research among transgender people has shown that they also experience discrimination from family members, who may be victims of discrimination themselves.<sup>43</sup>

As discussed above, violence, harassment and bullying in the home and family may violate a number of rights.

### **(b) Schools and education settings**

Schools are significant sites of homophobic violence and abuse. Large numbers of same sex attracted young people experience harassment and violence every day at school and this is increasing over time.<sup>44</sup>

Of those students who reported suffering abuse, 74% experienced it at school. The figure increased to 89% where the students were aged 14-17.<sup>45</sup> A recent qualitative study of the experiences of young people from sexual minorities indicated that poor educational outcomes and high rates of drop out were a common consequence of bullying.<sup>46</sup>

The high rates of violence, harassment and bullying experienced in schools and education settings by LGBTI communities has an impact on the right to education.<sup>47</sup>

### **(c) Care**

The extent of violence, harassment and bullying against people who are LGBTI in aged care is unclear, as there is a high degree of invisibility in this sector.<sup>48</sup> However, perhaps many LGBTI elders hide their sexual orientation or gender identity at least partially due to a fear of physical and emotional abuse. A Productivity Commission



inquiry into the aged care sector noted that submissions were received that raised concerns about discrimination and elder abuse against LGBTI people in aged care facilities.<sup>49</sup>

The Commission believes that violence, harassment and bullying of LGBTI elders in aged care settings have a negative impact on the rights of older LGBTI people, including the right to privacy, to equality and of non-discrimination.

**(d) Work**

Bullying and violence at work are also an issue for a significant number of LGBTI people.<sup>50</sup> A 2002 report found that 59% of LGBTI workers had experienced some form of homophobic behaviour in the workplace.<sup>51</sup>

Transgender people report that they commonly experience discrimination in the workplace, including in both gaining and maintaining employment.<sup>52</sup>

Violence, harassment and bullying in the workplace can have a serious impact on the right of LGBTI people to work and to just and favourable conditions of work. An unhealthy, violent or threatening workplace may also result in the violation of other rights, such as the right to a private life and to the highest attainable standard of physical and mental health.

**(e) Community**

**Public spaces.**

Statistics show that almost one third of violence against LGBTI people occurs on the street.<sup>53</sup> Amongst LGBTI-youth, almost half have experienced violence in the street.<sup>54</sup> In a survey concerning LGBTI events, (such as the Sydney Gay and Lesbian Mardi Gras), nearly 30% of respondents had personally experienced some form of harassment or physical assault at a public event.<sup>55</sup>

*I was at a local pub where I had a rainbow flag logo on the side of my arm on my shirt. An English guy came out from the side and punched me in the head and called me a faggot. He threw his beer on me and then shoved me to the ground - my best friend was a few chairs away and stepped in and punched him in the stomach. The guy then backhanded my best friend in the side of his head. We walked away as security was just staring at us and told us it was best we leave as we were causing "controversy".<sup>56</sup>*

Violence, harassment and bullying of LGBTI people in public places violate a number of fundamental human rights, including the right to participate in public life, the right to freedom of expression and the right to security of the person.

**(f) New technology**

It is difficult to measure the extent of cyber-bullying and cyber-harassment that is specifically directed to LGBTI people. Chatrooms have been identified as the place where young LGBTI people are most likely to feel threatened.<sup>57</sup> The incidence of cyberbullying has increased greatly in recent years with the proliferation of online



social networking tools.<sup>58</sup> There have been high profile cases of LGBTI young people being bullied and harassed online that have resulted in self harm and suicide.<sup>59</sup>

Cyberbullying and using new technologies to engage in other threatening and antisocial behaviour can seriously impact on the rights of others.

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<sup>1</sup> *Universal Declaration of Human Rights (UDHR)*, 1948, art 5; *International Covenant on Economic Civil and Political Rights (ICESCR)*, art 7; *Convention on the Rights of the Child (CRC)*, 1989 art 19  
<sup>2</sup> *UDHR*, 1948, art 2; *International Covenant on Civil and Political Rights (ICCPR)*, 1966, art 2; *ICESCR*, 1966, art 2.

<sup>3</sup> International Commission of Jurists, *Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity (The Yogyakarta Principles)* (2007). Introduction at [http://www.yogyakartaprinciples.org/principles\\_en.htm](http://www.yogyakartaprinciples.org/principles_en.htm) (viewed 2 March 2011).

<sup>4</sup> ACON, *Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the impact of violence on young Australians* (2009), p.6.

<sup>5</sup> *The Yogyakarta Principles*, (2007) Principle 5.

<sup>6</sup> ICCPR art 7; Human Rights Committee, "General Comment No. 20: Replaces general comment 7, concerning prohibition of torture and cruel treatment or punishment (Art. 7)," October 3, 1992; *The Yogyakarta Principles*, (2007) Principle 10.

<sup>7</sup> United Nations General Assembly, Extrajudicial, summary or arbitrary executions, 12 November 2010, A/C.3/65/L.29/Rev.1

<sup>8</sup> *ICESCR*, 1966, arts 2(2), 12(1), 12(2)(c), *The Yogyakarta Principles*, Principle 17.

<sup>9</sup> The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

<sup>10</sup> *The Yogyakarta Principles*, (2007) Principle 3, 18.

<sup>11</sup> L Hillier, A Turner, A Mitchell, *Writing themselves in again: 6 years on, the 2<sup>nd</sup> national report on the sexual health and well-being of same-sex attracted young people in Australia* (2005).

<sup>12</sup> Suicide Prevention Australia, *Position Statement: Suicide and self-harm among gay, lesbian, bisexual and transgender communities* (2009), p 2, quoted in ACON Submission, p 11.

<sup>13</sup> L Hillier, A Turner, A Mitchell, *Writing themselves in again: 6 years on, the 2<sup>nd</sup> national report on the sexual health and well-being of same-sex attracted young people in Australia* (2005), p45 quoted in ACON, *Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the impact of violence on young Australians* (2009), p 11. Also, 35% of respondents reported self-harming behaviour in the 14-17 year old age group over the time of their journey from negative to positive sexuality self-esteem.

<sup>14</sup> *The Yogyakarta Principles*, (2007) Principle 16.

<sup>15</sup> Hillier L, Jones T, Monagle M, Overton N, Gahan L, Blackman J and Mitchell A, *Writing Themselves in 3', The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*, Australian Research Centre in Sex, Health and Society, La Trobe University 2010: homophobic abuse was found to have an impact on a range of aspects of schooling for more than half of the participants in the study.

<sup>16</sup> Human Rights Watch, *Hatred in the Hallways, Violence and Discrimination Against Lesbian, Gay, Bisexual and Transgender Students in US Schools*, 1 May 2001.

<sup>17</sup> *The Yogyakarta Principles*, (2007) Principle 15.

<sup>18</sup> *The Yogyakarta Principles*, (2007) Principle 12, 15.

<sup>19</sup> Michael O'Flaherty, John Fisher, 'Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles', *Human Rights Law Review* 8:2, 2008.

<sup>20</sup> *The Yogyakarta Principles*, (2007) Principle 6.

<sup>21</sup> *The Yogyakarta Principles*, (2007) Principle 19.

<sup>22</sup> *The Yogyakarta Principles*, (2007) Principles 20, 25.

<sup>23</sup> Report of the Special Representative of the Secretary-General on human rights defenders, Commission on Human Rights, 22 March 2006, UN Doc E/CN.4/2006/95/Add.1 at para 290; Margaret Sekaggya, *Report of the Special Rapporteur on the situation of human rights defenders*, Human Rights Council 16<sup>th</sup> Session, UN Doc A/HRC/16/44 (2010).





<sup>24</sup> Attorney General's Department NSW, *'You shouldn't have to hide to be safe: A Report on Homophobic Hostilities and Violence Against Gay Men and Lesbians in NSW'* (2003) p 31.

<sup>25</sup> 90% of the sample reported that they had, at some time, avoided expressions of affection. M Pitts, A Smith, A Mitchell, S Patel *Private Lives: A report on the health and wellbeing of GLBTI Australians*, Australian Research Centre in Sex Health and Society (2006), p 48.

<sup>26</sup> A Smith, C Rissel, J Richers, A Grulich, R De Visser, 'Australian Study of Health and Relationships', published in (2003) 27(2) *Australian and New Zealand Journal of Public Health*, p 103, 158, 159.

<sup>27</sup> L Hillier, A Turner, A Mitchell, *Writing themselves in again: 6 years on*, the 2<sup>nd</sup> national report on the sexual health and well-being of same-sex attracted young people in Australia (2005).

<sup>28</sup> UNGA, *UN Secretary General's Study on violence against children*, UN Doc A/61/299 (2006) at <http://www.unicef.org/violencestudy/reports.html> (viewed 26 August 2010) paras 25 -27.

<sup>29</sup> ACON, *Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the impact of violence on young Australians* (2009), p.4; Also see Tomsen & Mason 2001.

<sup>30</sup> Attorney General's Department NSW, *'You shouldn't have to hide to be safe: A Report on Homophobic Hostilities and Violence Against Gay Men and Lesbians in NSW'* (2003), p i.

<sup>31</sup> Physical attacks or other kind of violence have been experienced by more than one in eight participants (13.7%). Around 10% had received obscene mail or telephone calls; 8.5% reported property being defaced, 6.8% reported hate mail or graffiti. Rape and sexual assault were each reported by about 3.5% of the sample.

<sup>32</sup> Murray Couch, Marian Pitts, Hunter Mulcare, Samantha Croy, Anne Mitchell, Sunil Patel, *Tranznation: A report on the health and wellbeing of transgendered people in Australia and New Zealand* Australian Research Centre in Health, Sex and Society (2007). At <http://www.glhv.org.au/node/398> (viewed 2 March 2011).

<sup>33</sup> In the *Private Lives Report*, 44.3% reported that rumours had been spread about them. Just over a third (35.2%) reported that they had been socially excluded. Threats of violence or intimidation were reported by just under a quarter (23%); Anna Chapman, *Protection from discrimination on the basis of sexual orientation or sex and/or gender identity in Australia*, Research Paper prepared for the Australian Human Rights Commission Consultation on Protection from discrimination on the basis of sexual orientation or sex and/or gender identity, 2010.

<sup>34</sup> 59.3% of the sample in the *Private Lives Report* indicated that they had suffered personal insults or verbal abuse. M Pitts, A Smith, A Mitchell, Sunil Patel, *Private Lives: A report on the health and wellbeing of GLBTI Australians*, March 2006. The largest number of reports of verbal abuse was also the case in the Lesbian and Gay Anti-Violence Project, quoted in ACON, *Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the impact of violence on young Australians* (2009), p 3.

In Hillier's study, 44% of respondents reported being verbally abused because of their sexuality; 38% of respondents reported unfair treatment because of their sexuality and 16% of respondents reported violence and physical abuse because of their sexuality. L Hillier, A Turner, A Mitchell, *Writing themselves in again: 6 years on*, the 2<sup>nd</sup> national report on the sexual health and well-being of same-sex attracted young people in Australia (2005), p 37.

<sup>35</sup> L Hillier, A Turner, A Mitchell, *Writing themselves in again: 6 years on*, the 2<sup>nd</sup> national report on the sexual health and well-being of same-sex attracted young people in Australia (2005), p 35.

<sup>36</sup> R McNair, N Thomacos, 'Not yet equal: Report of the VGLRL Same Sex Relationships Survey' 2005.

<sup>37</sup> Anna Chapman, *Protection from discrimination on the basis of sexual orientation or sex and/or gender identity in Australia*, Research Paper prepared for the Australian Human Rights Commission Consultation on Protection from discrimination on the basis of sexual orientation or sex and/or gender identity, 2010,

<sup>38</sup> Physical attacks or other kind of violence have been experienced by more than one in eight participants (13.7%). Around 10% had received obscene mail or telephone calls; 8.5% reported property being defaced, 6.8% reported hate mail or graffiti. Rape and sexual assault were each reported by about 3.5% of the sample.

<sup>39</sup> Women's Health Victoria, Women and violence. *Women's Health Issues Paper* no. 5. (2009). At <http://whv.org.au/publications-resources/publications-resources-by-topic/post/women-and-violence-ip/>



(viewed 2 March 2011) quoted in Bartels, *Emerging issues in domestic/family violence research*, Research in Practice no. 10, At <http://www.aic.gov.au/publications/current%20series/rip/1-10/10.aspx>.

<sup>40</sup> Same Sex Domestic Violence Interagency Working Group, *Fair's Fair A Snapshot of Violence and Abuse in Sydney LGBT Relationships*, 2006

<sup>41</sup> L Vickers, 'The second closet: domestic violence in lesbian and gay relationships: a Western Australian perspective' (1996) 3(4) *Murdoch University Electronic Journal of Law*.

<sup>42</sup> Same Sex Domestic Violence Interagency Working Group, *Fair's Fair A Snapshot of Violence and Abuse in Sydney LGBT Relationships* (2006).

<sup>43</sup> M Couch, M Pitts, H Mulcare, S Croy, A Mitchell, SI Patel, *Tranznation: A report on the health and wellbeing of transgendered people in Australia and New Zealand* (2007).

<sup>44</sup> L Hillier, A Turner, A Mitchell, *Writing Themselves In Again: The 2nd National Report on the Sexual Health & Wellbeing of Same-Sex Attracted Young People in Australia*, Australian Research Centre in Sex, Health & Society (2005), p 35.

<sup>45</sup> L Hillier, A Turner, A Mitchell, *Writing Themselves In Again: The 2nd National Report on the Sexual Health & Wellbeing of Same-Sex Attracted Young People in Australia*, Australian Research Centre in Sex, Health & Society (2005), p 39

<sup>46</sup> Faye Mishna, Peter A. Newman, Andrea Daley, Steven Solomon, Bullying of lesbian and gay youth: A qualitative investigation. *The British Journal of Social Work* (2009) 39, 1598–1614, p 1604.

<sup>47</sup> The right to education is found in the International Covenant on Economic, Social and Cultural Rights, article 13.

<sup>48</sup> J Harrison (2001). 'It's none of my business': Gay and lesbian invisibility in aged care. *Australian Occupational Therapy Journal*, 48(3): 142-145.

<sup>49</sup> See for example, Productivity Commission, *Caring for Older Australians* (2011) p 280. At <http://www.pc.gov.au/projects/inquiry/aged-care/draft> (viewed 2 March 2011).

<sup>50</sup> 10.3% of participants reported having been refused employment or promotion as a result of their sexuality.

<sup>51</sup> J Irwin, *The Pink Ceiling is Too Low: Workplace Experiences of Lesbians, Gay Men and Transgender People*, Australian Centre for Lesbian and Gay Research (2002), p 28.

<sup>52</sup> Murray Couch, Marian Pitts, Hunter Mulcare, Samantha Croy, Anne Mitchell, Sunil Patel, *Tranznation: A report on the health and wellbeing of transgendered people in Australia and New Zealand*, 2007.

<sup>53</sup> Attorney General's Department NSW, *'You shouldn't have to hide to be safe: A Report on Homophobic Hostilities and Violence Against Gay Men and Lesbians in NSW* (2003), p 39.

<sup>54</sup> Hillier et al, p.39.

<sup>55</sup> S Tomsen, K Markwell, 'When the glitter settles: safety and hostility at and around gay and lesbian public events', *AIC Reports Research and Public Policy Series 100*, 2009, p 20.

<sup>56</sup> 'Writing Themselves in 3', *The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*, Australian Research Centre in Sex, Health and Society, La Trobe University 2010.

<sup>57</sup> Hillier, Horsely and Kurdas, "It made me feel braver, I was no longer alone": The Internet and same sex attracted young people, published in J. Nieto. *Sexuality in the Pacific*, Spanish Association of studies in the Pacific, 2004, p15.

<sup>58</sup> Check Shaheen Shariff, *Cyber-bullying: Issues and Solutions for the School, the Classroom and the Home* (2008), p 4.

<sup>59</sup> See for example, J Schwartz., 'Bullying, Suicide, Punishment', *New York Times*, 2 October, 2010. At [www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?\\_r=1&ref=tyler\\_clementi](http://www.nytimes.com/2010/10/03/weekinreview/03schwartz.html?_r=1&ref=tyler_clementi) (viewed 16 November 2010).