



Te Kāhui Tika Tangata
Human Rights Commission



Help for Conversion Practices Complaints

Information to help make a complaint about conversion practices

The Human Rights Commission has a free, informal and confidential service for questions or complaints about conversion practices or other unlawful discrimination.

This guide lets you know about the options for making a complaint about conversion practices, including to the Human Rights Commission.



If you have experienced conversion practices

In February 2022, a new law was passed that makes it a criminal offence to perform conversion practices in Aotearoa from 19 February 2022 onwards. This is called the Conversion Practices Prohibition Legislation Act 2022 (the Act).

There are two pathways a complaint can take – through the civil pathway with a free, confidential dispute resolution process handled by the Human Rights Commission (the Commission), and through the criminal pathway managed by New Zealand Police.

If you've experienced conversion practices and you're not sure whether to speak to the Commission or Police, both can give you more information when you talk to them.

You can make a complaint under the Act and also lay criminal charges with the Police or begin proceedings through the courts about the same matter. You don't have to choose one or the other. Each organisation can also help refer you to other agencies if your situation may be better served elsewhere.

Referrals will be done with your full knowledge and consent for information sharing. If there is serious risk to the safety of any person, then the Commission may need to advise Police without your consent. Support will be provided and steps will be taken to minimise the distress that may arise from telling your story again.

You can contact either:



- 1) **Human Rights Commission** - contact the Human Rights Commission if you are seeking general information and support, or want to explore possible civil resolutions to your complaint.

Call: **0800 496 877**
Email: **infoline@hrc.co.nz**
Visit: **www.hrc.co.nz**



- 2) **New Zealand Police** - contact Police if you think your experience might meet the criminal threshold.

Call: **111** if someone is in immediate danger or a crime or incident is happening now **105** if an incident has already happened and no one is in immediate danger Online: **105 online reporting**
Visit: **<https://www.police.govt.nz/use-105>**

If conversion practices are experienced in a health or disability setting you can also make a complaint to the Health and Disability Commissioner (HDC). The role of HDC is to promote and protect the rights of people using health and disability services as set out in the Code of Health and Disability Services Consumers' Rights (the Code).

The Code sets out 10 rights, including the right to be treated with respect, to be free from discrimination or exploitation, to dignity and independence, to services of an appropriate standard, to give informed consent, and to complain.



- 3) To make a complaint to the **Health and Disability Commissioner**, you can:
Call: **0800 11 22 33**
Email: **hdc@hdc.org.nz**

Use their online form at:

<https://www.hdc.org.nz/making-a-complaint/make-a-complaint-to-hdc/>

You can find out more about HDC's complaint process at:

<https://www.hdc.org.nz/making-a-complaint/complaint-process/>

About the Conversion Practices Prohibition Legislation Act 2022



What are conversion practices?

Conversion practices are any direct, sustained effort, treatment or practice that seeks to change or suppress a person's sexual orientation, gender identity or gender expression.

These practices have no therapeutic value or basis in medicine, and there is no evidence that a person's sexual orientation or gender identity can be changed.

If a person or organisation has done something to try to change or suppress your sexual orientation, gender identity or gender expression, or pressured you to do this yourself, you may have experienced conversion practices.

Is what happened to me illegal?

As of 19 February 2022, it is a criminal offence to perform conversion practices on someone under the age of 18 or on someone who lacks decision-making capacity. It is also a criminal offence to perform conversion practices on someone where that causes 'serious harm'.

The Human Rights Commission can help you figure out if what's happened to you may be an offence under the law, and if so, what you can do about that. Our case advisors can provide information about what kinds of behaviours might be unlawful, how the dispute resolution process works, and discuss options for possible next steps. We can also direct you to support services. The Commission does not provide legal advice.

Examples of conversion practices

Conversion practices could include, but are not limited to:

- using shame, coercion or other tactics to try to give a person an aversion to same-sex attractions, or to encourage gender-conforming behaviour
- encouraging someone to believe their sexuality or gender, or parts thereof, are defective or disordered, or
- performing a deliverance, exorcism or prayer-based practice intended to change or suppress a person's sexual orientation, gender expression or gender identity.

What conversion practices are not

It is not a conversion practice if:

- a parent or guardian respectfully discusses sexuality or gender with their child, including offering advice and guidance, or expresses a belief or religious principle to their child, so long as these are done without the intention of changing or suppressing the child's sexual orientation, gender identity or gender expression
- a religious leader preaches, prays for or provides pastoral care for a parishioner or parishioners regarding sexuality or gender, so long as these are done without the intention of changing or suppressing a person's sexual orientation, gender identity or gender expression, or if
- a medical practitioner acting within the legal, professional, and ethical standards to which they are subject, and in the spirit of positive exploration, considers in their reasonable professional judgement that it is appropriate to take that action.

It is also not a conversion practice to:

- assist someone who is undergoing, or considering undergoing a gender transition
- assist someone to express their gender or identity
- provide acceptance, support or understanding of an individual, or
- facilitate a person's coping skills, development or identity exploration, or to facilitate social support.

What is the law trying to do?

The focus of the law is to prohibit deliberate and intentional actions to change or suppress sexuality or gender, as these are ineffective and have been shown to cause harm.

If you have questions about a practice you provide, contact us free on **0800 496 877** or email info@hrc.co.nz, or you may like to seek legal advice.

What about education and prevention?

Some LGBTQIA+ or rainbow people have been concerned that legislation does not necessarily address wider stigma, homophobia and transphobia. Much of the ideology that underpins conversion practices is the false assumption that a person's sexual orientation, gender identity or expression could be wrong or needs to be "corrected".

This is where education, awareness raising, and attitude and behaviour change will be important. It is a way to address the conditions that lead to conversion practices in the first place.



How does the Commission's complaint process work?

The aim of our complaint process is to help people reach fair and effective resolutions quickly. The process is free, safe, private and confidential for everyone involved. It helps people to discuss issues in an open, safe and constructive way. Our process can help both sides agree to a fair result.

Step 1: contact our Human Rights Information and Support Service (HRISS)

The team will listen to you and provide information to help you decide what to do with your complaint. We can also help connect you with support services. If appropriate, we will give you a complaint form to complete. To start the process, call our free phone **0800 496 877**, email infoline@hrc.co.nz or visit www.hrc.co.nz

Step 2: dispute resolution

If you go ahead with dispute resolution, the mediator notifies the other people involved of your complaint and offers our dispute resolution process. If they agree to take part, the mediator will help you safely work through the issues and possible ways to resolve the complaint. Mediation is free, confidential and fairly protects the rights of everyone involved.

Step 3: resolution

Many complaints can be resolved through dispute resolution. Outcomes are flexible and led by the needs of the people involved. They can include an apology, an acknowledgement of how the behaviour affected you, agreement not to do the same thing in the future, a training programme or financial compensation.

Step 4: legal action

If your complaint isn't resolved at mediation, you can take it to the Human Rights Review Tribunal (the Tribunal). The Tribunal can make findings and orders. You can apply for free legal representation from the Office of Human Rights Proceedings (www.hrc.co.nz/ohrp).



If your complaint meets the criminal threshold

If your complaint may meet the legal threshold for criminal investigation, then you may also choose to pursue a criminal complaint with Police.

The Commission and Police are working together to ensure conversion practices complaints made under the Conversion Practices Prohibition Legislation Act 2022 are referred to the correct agency with your consent, unless there is risk to the safety of any person.

You can make a complaint to Police for a criminal investigation to establish whether or not the following criminal offences have been committed:

- offence to perform conversion practice on person under the age of 18 years or lacking decision-making capacity, or
- offence to perform conversion practice that causes serious harm.

Making a complaint to Police can be done by calling **111** if someone is in immediate danger or a crime or incident is happening now, calling **105** or using the **105 online form** if an incident has already happened and no one is in immediate danger.

Police have relationships with groups, such as Victim Support, who provide support services that can help you through the process if your complaint is progressed.



If someone has made a complaint about you

If someone has complained about your alleged behaviour to the Human Rights Commission, you'll be sent a letter outlining the nature of the complaint. The letter will explain what happens next in the complaint process. The complaint process is free, impartial, flexible and confidential to everyone involved.

Our mediators don't judge or make decisions. Their role is to assist people to reach fair and effective resolutions quickly, which can involve setting up a meeting, explaining the law and helping you work through possible solutions.

If the matter can't be resolved through the dispute resolution process, the person who lodged the complaint can take it to the Human Rights Review Tribunal (find out more at www.justice.govt.nz). They can also take the matter to the Police if it meets the criminal threshold and/or practices involve someone under the age of 18, or to the Health and Disability Commissioner if the alleged conversion practice occurred in a health or disability service.



About the dispute resolution process

The Human Rights Commission provides dispute resolution services to people with complaints about conversion practices or other unlawful discrimination complaints. The Commission seeks to mediate fair and effective resolution of complaints at the earliest opportunity.

What is dispute resolution?

Dispute resolution is an informal process to help people work through issues and try to come up with solutions themselves, with the help of an impartial mediator.

The process is voluntary and any party can withdraw at any stage.

It can involve people indirectly communicating through a mediator or, if everyone agrees, attending a mediation meeting. The process is flexible and sensitive to the needs of the people involved. For example, we can offer a tikanga-based process, or a shuttle mediation if people are uncomfortable being in the same room.

Dispute resolution is confidential. This means the parties can discuss their issues openly without risk of what they say being used against them if the matter doesn't resolve at mediation.

What happens at a mediation meeting?

The mediator runs the meeting and helps parties talk and listen to each other and come up with solutions everyone can agree on. If parties reach agreement, a written settlement agreement may be needed. This may be written at the meeting.

Mediation meetings are kept as informal as possible. They are not like court rooms. The mediator doesn't judge or make any decisions about who is right or wrong.

Can I bring support to a mediation meeting?

Yes. You are encouraged to bring a support person or people, whānau, an advocate or a lawyer along to a mediation meeting. However, all parties need to know and agree to their attendance before the mediation.

How long does a mediation meeting take?

Most mediations take between two and four hours. A small number can last all day. In some cases you may need more than one meeting. Your mediator can let you know how much time it might take.



Support is available

Making a complaint can be a stressful time so we encourage you to find support. You could talk about it with someone you trust. You also might want to keep a record of incidents. You don't have to do this but it can help support your complaint later.

Advice, support and care could also be available from these people and places:

- **A trusted member of your community**
- **Citizens Advice Bureau**
- **Community Law Centres**
- **OutLine**
0800 688 5463
www.outline.org.nz
An all-ages rainbow mental health organisation providing support to the rainbow community, their friends, whānau, and those questioning. Their service is a nationwide, free and confidential 0800 support line for those who want to speak to a trained volunteer from the rainbow community. They also provide specialist rainbow counselling.
- **Gender Minorities Aotearoa**
www.genderminorities.com
An organisation for takatāpui, intersex, and other gender minorities. They provide one-to-one peer support and information nationwide to transgender people of all ages, cultures, and backgrounds.
- **RainbowYOUTH**
www.ry.org.nz
A national organisation providing support, information, resources & advocacy for queer, gender diverse, takatāpui and intersex youth up to the ages of 28, as well as their wider communities.
- **InsideOUT**
www.insideout.org.nz
A national charity providing resources, information, workshops, consulting and support for anything concerning rainbow or LGBTQIA+ issues and education for schools, workplaces and community organisations.
- **Intersex Trust Aotearoa New Zealand**
www.intersexaotearoa.org
They provide intersex-led advocacy and support and welcome all people with intersex variations in Aotearoa, their whānau and friends.
- **Rainbow Path**
www.rainbowpathnz.com
An advocacy and peer support group for the rights of Rainbow refugees and asylum seekers living in Aotearoa.
- **Diverse Church**
www.diversechurch.co.nz
A network of affirming Rainbow Christians across Aotearoa. They desire to see local churches become safer places where LGBTQIA+ people can fully participate.
- **F'INE Pasifika**
www.finepasifika.org.nz
An organisation that supports MVPFAFF+, Pacific LGBTQI+, Rainbow & Queer people and their families in Auckland.
- **Tiwhanawhana Trust**
www.tiwhanawhana.com
A takatāpui community group based in Wellington that welcomes people of diverse sexualities and gender identity.
- **Indian Origin Pride NZ**
www.iopnz.org
An organisation for LGBTQIA++ Indians and their families in Aotearoa so they can be proud of their identity.

There may be other regional support available to you. For the full list, please check our website here:
<https://www.hrc.co.nz/our-work/sogiesc/resources/other-contacts/>



Te Kāhui Tika Tangata
Human Rights Commission

Please note that this booklet only focusses on the Human Rights Commission mediation process. It is not legal advice, and the Commission cannot investigate or make decisions.