

United Nations Universal Periodic Review

Universal Periodic Review (Fourth Cycle) 2024



Resist Gender Education, NZ

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1. Resist Gender Education NZ (RGENZ) is a diverse group of concerned citizens, educators, mothers, and grandmothers, including some who are members of the rainbow community. We support schools providing age-appropriate, scientifically factual, and culturally relevant relationships and sexuality education. We are strongly opposed to schools using Relationships and Sexuality Education (RSE) as a cover for the indoctrination of our children with gender identity ideology which has nothing to do with either relationships or sexuality. We support the right of parents to be fully consulted about the content of RSE lessons and to withdraw their children from these classes if they wish.

BACKGROUND

2. In the National Report from NZ, **February 2019**, paragraph 154 on page 20 notes: *“In 2016, the Ministry of Education released guidance for schools on supporting the inclusion and wellbeing of LGBTIQ students, providing practical strategies for developing school cultures where all students are safe, included, visible and valued.”*¹
3. In the Summary of Stakeholders’ Submissions on New Zealand, **February 2019**, paragraph 74 on page 8 says *“JS8 recommended that New Zealand develop a strategic and integrated approach to sexuality and relationships education at the national level.”*²
4. In the Report of the Working Group on the Universal Periodic Review (UPR), **July 2019**, paragraph 122.104 on page 17 suggests that New Zealand should: *“Review all education, legislative and policy settings to ensure that schools provide accessible inclusive education for all (Hungary).”*³
5. Nothing was mentioned related to education in the **December 2021** Third Cycle Mid-Term Report from New Zealand⁴, except to address racism and discrimination. We believe these are laudable goals so we will not be addressing these further.
6. We note in the draft report from New Zealand for the upcoming UPR, **due January 2024**, at paragraph 147 on page 27 it states: *“School environments are safer and more welcoming for Rainbow learners, with the introduction of gender neutral bathrooms, school resources on sexuality, mental health and healthy relationships, and updated data management tools to include diverse gender identities.”*⁵
7. It was clear from the 2019 review from the National Report, the Stakeholders’ Submissions, and the Report of the Working Group, that New Zealand education was considered not *“inclusive”* or *“integrated”* enough at the national level, and that, in the 2024 draft, our Ministry of Education believes they have addressed their priority issues of *“the inclusion and wellbeing of LGBTIQ students”*.
8. In 2020 the NZ Ministry of Education (MOE) released the new Relationships and Sexuality Education Curriculum (RSE)⁶ as their solution to the perceived failings noted above. We at

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/338/73/PDF/G1833873.pdf?OpenElement>

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/342/40/PDF/G1834240.pdf?OpenElement>

³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/087/77/PDF/G1908777.pdf?OpenElement>

⁴ <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>

⁵ <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Human-rights/NZs-Universal-Periodic-Review/Aotearoa-New-Zealands-Universal-Periodic-Review-2024-Draft-National-Report.pdf>

⁶ <https://hpe.tki.org.nz/guidelines-and-policies/relationships-and-sexuality-education/>

RGENZ do not believe this curriculum resolves the issues they wanted to address. In fact, we believe it has caused more harm than the good it intended to achieve.

9. We have tried to engage with MOE about our numerous concerns but we have so far not been given a hearing. Therefore, we make this submission to make our concerns known; to describe the ways we believe the New Zealand MOE is letting down New Zealand families; and to offer some suggestions for improvement.

STATUTORY CONTEXT

10. The United Nations (UN) has a mandate to promote the wellbeing of children worldwide. Promoting explicit sexual material for children goes against the principles of child safeguarding. RGENZ therefore believes it is vital to ensure that children are not exposed to any harmful or inappropriate content that could negatively impact on their development, growth and overall well-being.
11. The UN Convention of the Rights of the Child (CRC)⁷ outlines the rights and protections for children and in Article 34 explicitly states that parties should, *“protect [children] from all forms of sexual exploitation and sexual abuse.”* This includes safeguarding children from exposure to explicit sexual material. It is crucial that these rights and protections are upheld and not eroded. It is the responsibility of governments, organisations and individuals to work together to create a safe and nurturing environment for children free from *any* exploitation or harm including exposure to explicit sexual material.
12. NZ Care of Children Act 2004, s.5 (Principles relating to child’s welfare and best interests) states: *“a child’s care, development, and upbringing should be primarily the responsibility of his or her parents and guardians,”* and, *“a child’s care, development, and upbringing should be facilitated by ongoing consultation and co-operation between his or her parents, guardians, and any other person having a role in his or her care under a parenting or guardianship order”*.⁸
13. NZ Crimes Act 1961, Schedule 2, s.152 – Parents of children under the age of 18 have *“a legal duty ... to take reasonable steps to protect that child from injury.”*⁹
14. NZ Bill of Rights Act 1990, s.13 – *“Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.”*¹⁰ Gender identity ideology is a belief not everyone holds, and while its proponents have the right and freedom to believe it, those who don’t also have the right to disagree. We maintain that incorporating this belief into the education curriculum as fact infringes on the rights of teachers, parents and children who disagree.
15. NZ Human Rights Act 1993, s.46 allows for single sex space discrimination, *“on the ground of public decency or public safety”*.¹¹ It is established that members of both sexes sometimes need sex-segregated spaces away from the eyes of the public for decency and safety. We

⁷ <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/uncrc.pdf>

⁸ <https://www.legislation.govt.nz/act/public/2004/0090/latest/DLM317241.html>

⁹ <https://www.legislation.govt.nz/act/public/2011/0079/latest/DLM3650020.html>

¹⁰ <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html#DLM225512>

¹¹ https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304624.html?search=sw_096be8ed81ce7ed5_sex_25_se&p=1

would argue girls and women in particular need this protection.

OUR CONCERNS

16. We agree with the statement in the preface on p5 to the World Health Organisation (WHO) Standards for Sexuality Education in Europe: *“Holistic sexuality education gives children and young people unbiased, scientifically correct information on all aspects of sexuality and, at the same time, helps them to develop the skills to act upon this information. Thus, it contributes to the development of respectful, open-minded attitudes and helps to build equitable societies.”*¹²

17. RGENZ believes the NZ RSE curriculum does not achieve these goals in several ways, outlined below.

The RSE Curriculum breaches children’s rights.

18. Our MOE is perpetuating gender identity ideology, as recommended by WHO in their learning objectives, an example of which is on p50 of the International Technical Guidance on Sexuality Education: *“define gender identity (knowledge); explain how someone’s gender identity may not match their biological sex (knowledge); acknowledge that everyone has a gender identity (attitudinal); appreciate their own gender identity and demonstrate respect for the gender identity of others (skill).”*¹³

19. Gender identity ideology is a belief, not a fact. Not everyone believes they have a gender identity and it is wholly inappropriate for schools to present ideologies in the classroom as facts. We believe ideologies do not belong in schools at all unless presented in the context of a discussion of contentious ideas.

20. One of the recommended curriculum resources, *‘Navigating The Journey’*, is produced by NZ Family Planning Association, a government-supported sexual and reproductive health provider. This resource contains:

- age-inappropriate content
- desensitising exposure to sexually explicit content under our legal age of consent
- belief taught as fact
- erosion of boundaries between adults and children
- advice to students of avenues of support their parents won’t know about.¹⁴

These are all breaches of child safety and wellbeing guiding principles mentioned in the ‘Statutory Context’ section, above.

21. A New Zealand rainbow lobby group called InsideOUT, which lacks education qualifications and expertise, nevertheless has been funded by the NZ Government to produce teaching resources which we believe contain inappropriate material. InsideOUT’s school resources ignore the needs of girls, and the content centres around trans identities.¹⁵

¹² https://www.bzga-whocc.de/fileadmin/user_upload/BZgA_Standards_English.pdf

¹³ https://cdn.who.int/media/docs/default-source/reproductive-health/sexual-health/international-technical-guidance-on-sexuality-education.pdf?sfvrsn=10113efc_29&download=true

¹⁴ <https://www.resistgendereducation.nz/information/navigating-the-journey>

¹⁵ <https://www.resistgendereducation.nz/information/insideout>

The RSE Curriculum breaches the rights of lesbian and gay children

22. Using stereotypes, much of the curriculum perpetuates the erroneous belief that more feminine boys are girls in the wrong body, and more masculine girls are boys in the wrong body. No-one is born in the wrong body. *We are our bodies*. Studies show that, *“homosexual adults tend to be more gender nonconforming than heterosexual adults in some of their behaviours, feelings, and interests.”*¹⁶ Teaching this ideology is not only nonsensical; it is the height of homophobia.

MOE recommendations breach parents’ rights.

23. Schools are told it is right to use a new name or pronouns at the request of the child^{17,18}, or give them access to external resources^{19,20} without parental knowledge. This advice breaches the Care of Children Act 2004 which requires *“ongoing consultation”* with parents/guardians in all matters of a child’s upbringing.
24. Advising schools to use a child’s preferred name and pronouns is the beginning of social transitioning. When embraced by friends, family, medical professionals and schools the affirmation model locks a child in to an identity that is incredibly difficult to switch out of should they discover this was a mistake: *“...social transition provides short term relief all round.... But in the long term, it creates a problem which is not reversible.”*²¹
25. Under the Crimes Act 1961, it is a parent’s duty to protect their child from harm. Parents who oppose gender identity ideology must be able to withdraw their child from classes in which it is taught. By encouraging the embedding of RSE throughout the curriculum^{22,23} and permitting teachers to answer any question asked by a student at any time^{24,25}, MOE recommendations are breaching parents’ rights.
26. Parents are free to bring up their children within their own belief structures. Demanding acceptance of gender identity ideology at school goes against their rights to freedom of thought, conscience and religion as provided for in the NZ Bill of Rights.

MOE recommendations breach children’s rights.

27. We agree that schools should assist with rainbow students’ full participation in school life, but no students’ rights should come at the expense of other students. The whole curriculum is centred on gender identities, mainstreaming a minority transgender experience, and

¹⁶ <https://pubmed.ncbi.nlm.nih.gov/18194004/>

¹⁷ Year 1-8 guide, p36 <https://hpe.tki.org.nz/assets/healthpe/pdfs/RSE+Guide+y1-8.pdf>

¹⁸ Year 9-13 guide, p42 <https://hpe.tki.org.nz/assets/healthpe/pdfs/RSE+Guide+y9-13.pdf>

¹⁹ Year 1-8 guide, p33, op. cit.

²⁰ Year 9-13 guide, p35, op. cit.

²¹ <https://www.transgendertrend.com/childhood-social-transition/>

²² Year 1-8 guide, pp28-29, op. cit.

²³ Year 9-13 guide, pp31-33, op. cit.

²⁴ Year 1-8 guide, p43, op. cit.

²⁵ Year 9-13 guide, p49, op. cit.

ignoring the sex-based and biological rights, experiences and freedoms of all other students.

28. MOE guidelines suggest schools should provide, *“A physical environment that is safe and accessible for all, for example, ākongā [students] are able to access toilets in accordance with their gender identity”*.^{26,27} When sex divisions are removed, girls’ safety, privacy, dignity, and fairness are all negatively impacted. A 2021 Australian study suggested up to one in five girls stay home due to embarrassment during their period.²⁸ If girls, especially when going through pubertal changes, are not able to use female only toilets and are unable to concentrate in class as a result, or don’t come to class at all, their education will suffer. This is why there is an exception in the NZ Human Rights Act 1993, s.46 and discrimination is allowed, *“for each sex on the ground of public decency or public safety.”*²⁹
29. Social transition sets vulnerable children on a path to medicalisation and surgery and becoming lifelong patients: *“In contrast to the historic average 80% desistance rate, this new study of socially-transitioned children who were affirmed in their opposite sex identity shows a desistance rate of only 6%.”*³⁰ And on p62 of the Cass Report on GIDS in the UK, February 2022: *“Social transition ... may have significant effects on the child or young person in terms of their psychological functioning.”*³¹
30. Watchful waiting is a time-tested and far more compassionate approach. Adolescence is a difficult time for everybody and any existing feelings of gender incongruity usually disappear after puberty. *“On average 80% of children change their minds and do not continue into adulthood as transgender.”*³²
31. There is no scientific basis for promoting gender identity ideology in school and demanding acceptance of this ideology at school goes against students’ rights to freedom of thought, conscience and religion as found in the NZ Bill of Rights.

MOE recommendations breach teachers’ rights

32. A recent case³³ proves teachers who speak out against gender identity ideology, such as refusing to use a student’s preferred pronouns, risk losing their jobs and face disciplinary action which is totally unjust and unfair. Teachers who wish to keep their jobs must abide by school guidelines, created to reflect MOE principles, that they may disagree with. This goes against their right to freedom of thought, conscience, and religion as found in the NZ Bill of Rights.
33. RGENZ believes that, in our government’s haste to provide inclusive education, they have alienated (and potentially harmed) many students, and eroded trust with whānau (family) with little to no evidence to guide the wholesale changeover to gender identity ideology.

²⁶ Year 1-8 guide, p17, op. cit.

²⁷ Year 9-13 guide, p20, op. cit.

²⁸ <https://www.abc.net.au/news/2021-04-27/girls-staying-away-from-school-because-of-period-research/100098630>

²⁹ https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304624.html?search=sw_096be8ed81ce7ed5_sex_25_se&p=1

³⁰ <https://www.transgendertrend.com/social-transition-and-chest-binding/>

³¹ <https://cass.independent-review.uk/publications/interim-report/>

³² <https://www.transgendertrend.com/children-change-minds/>

³³ <https://www.1news.co.nz/2023/06/19/teacher-struck-off-after-refusing-to-use-students-pronouns/>

TRANSGENDER HEALTH CARE – A CHANGING FIELD OF MEDICINE

34. Many health professionals are now openly opposing the ‘affirmation model’, where whatever someone says about their gender is taken to be true. In her book, *“Irreversible Damage”*, Abigail Shrier quotes Dr. Ray Blanchard, a sexologist speaking out against this approach: *“I can’t think of any branch of medicine outside of cosmetic surgery where the patient makes the diagnosis and prescribes the treatment.”*³⁴ (Shrier, 2021, p.131)
35. Studies have shown that gender dysphoria in childhood has an, on average, 80% desistance rate if no interventions are applied. *“Most children grow out of their gender dysphoria as they reach adolescence.”*³⁵
36. In this climate of medical disagreement and where long-term health is at risk from known and unknown treatment outcomes, we believe it is dishonest, irresponsible and dangerous to be teaching this ideology as fact in school. We agree with a recent letter published in the Wall Street Journal by 21 clinicians and researchers from nine countries who declared that, *“Youth gender transition is being pushed without good evidence.”*³⁶

OUR RECOMMENDATIONS

- 36.1 Safety first: girls and boys need sex-segregated bathrooms, changing rooms and sports teams as they get older and the boys get bigger and stronger. Privacy is paramount with pubertal changes in both sexes. Gender identity ideology attempts to erase the very real differences between the sexes which introduces opportunities for harm.
- 36.2 Our tamariki (children) deserve age-appropriate, scientifically accurate content in the classroom, not ideology. Gender identity ideology perhaps belongs in social studies class as a topic to explore, but not incorporated through all subjects as recommended by MOE and certainly not to be taught as something everyone believes in during sexuality education.
- 36.3 All viewpoints should have equal consideration in the curriculum. True inclusivity means not merely celebrating some but, we believe, accepting all.
- 36.4 As primary caregivers in charge of a child’s upbringing, parents should be able to withdraw their children from relationships and sexuality education, so RSE should not be embedded throughout the curriculum as MOE currently recommends.
- 36.5 No secrets from parents. Regardless of MOE recommendations, we believe schools have no right to socially transition a child to the opposite sex or use a new name or new pronouns without parental knowledge. This breaches safeguarding principles and parental rights.
- 36.6 “Trusted organisations” like InsideOut and NZ Family Planning Association receive large sums of government funding to promote gender identity ideology, which means that they have an unfair advantage in promoting their beliefs in NZ public schools. Funding to outside groups for RSE resources should be completely withdrawn and all materials should be professionally produced by educators and not by lobby groups.

³⁴ Shrier. A, (2021) *Irreversible Damage*, Swift Press

³⁵ <https://www.transgendertrend.com/children-change-minds/>

³⁶ <https://archive.ph/dG06b#selection-289.0-289.232>

- 36.7 The NZ RSE curriculum needs to be rewritten to provide guidance in how to approach teaching relationships and sexuality in a way that provides accurate and age-appropriate information for students.

CONCLUSION

37. RSE is not taught in all UN Member States.³⁷ We support having RSE in New Zealand schools, but we believe there is room within the international educational landscape to remove gender identity ideology while giving young New Zealanders the appropriate education they require and their parents expect.
38. As stated earlier, Resist Gender Education NZ agrees that the aim of RSE should be: *“Holistic sexuality education [that] gives children and young people unbiased, scientifically correct information on all aspects of sexuality and, at the same time, helps them to develop the skills to act upon this information. Thus, it contributes to the development of respectful, open-minded attitudes and helps to build equitable societies.”*
39. Parents in NZ are becoming increasingly concerned that beliefs and values they do not subscribe to are being taught to their children as facts. Some of the topics, although important for children to know as they mature, are being taught at a disturbingly young age.
40. It is important that young people are taught to be accepting of difference but there is no need to mention gender identities at an early age. Discussion of such ideas properly belongs with older students and then they should be presented in a balanced way, as with any subject that is contentious, with the beliefs and values of parents being equally respected.
41. To achieve the goal of providing scientifically accurate and age-appropriate sexuality education, and to uphold the rights of all New Zealanders, gender identity ideology beliefs must be removed from the NZ RSE curriculum.

³⁷ https://press.un.org/en/2023/pop1109.doc.htm?fbclid=IwAR2VH0MEj4Wt35SMdk8AmLtVtzEfxOVPDw_6_UnjKDHCnQ1BIBVEMJr7yc8