



Aotearoa New Zealand

Speak Up for Women submission for the UN Universal Periodic
Review of Human Rights

Speak Up for Women (SUFW) is a women's rights group based in New Zealand. We advocate for the protection of girls and women's sex-based rights, the protection of women's spaces, opportunities, and language.

SUFW is run by a diverse leadership team that includes members of the Rainbow and immigrant communities. Over 290 women participate in our discussion group, from different cultural and socioeconomic backgrounds.

SUFW Contact:

Suzanne Levy

Spokeswoman

info@speakupforwomen.nz

Executive Summary

1. Speak Up for Women (SUFW) is concerned about the eroding of women's sex-based rights in New Zealand. The inclusion of gender identity theory in public policy is impacting women's enjoyment of their human rights and fundamental freedoms in different areas of society.
2. SUFW recommends New Zealand to implement measures to protect and promote women's sex-based rights and the provision of single-sex spaces, services and opportunities for women and girls.
3. In addition, we recommend that **sex**, not gender or gender identity, be prioritised in policy making. We strongly recommend New Zealand to implement measures to protect freedom of speech and define **woman as an adult human female** in law by 2024.

Follow up on previous Universal Periodic Review (UPR)

4. SUFW welcomes New Zealand's ongoing participation and engagement with the Universal Periodic Review (UPR). New Zealand received 194 recommendations in the last UPR cycle and supported 64 recommendations that focused specifically on women's rights.
5. We acknowledge the progress made in relation to improving access to healthcare, the work done on the first Women's Health Strategy; and the decriminalization of abortion. We note the progress made to achieve gender equality in the public sector. We are concerned about the high rates of family violence and sexual violence.
6. We note that the Births, Deaths, Marriages and Relationship Registration Act 2021ⁱ introduced an administrative process for gender diverse people to amend the sex recorded on their birth certificate. We are encouraged by the inclusion of Section 79(2) in the Act which maintains the rights of service providers and public and private agencies to continue to use information other than the birth certificate to establish a person's sex. Vitally, it differentiates between sex and gender in the law specifically as it relates to the Human Rights Act 1993.

Current situation

7. New Zealand has moved in recent years to prioritise gender identity over sex in public policy.
8. It is SUFW's opinion that government agencies have introduced gender identity in policies and initiatives without adequate public consultation, little policy analysis or risk mitigation analysis.ⁱⁱ It seems that the move to replace sex with gender identity in public policy is the result of government officials consulting only with organizations and lobby groups that promote gender identity.

9. In line with this move to prioritise gender or gender identity over sex, some government agencies have reinterpreted the category of ‘women’ to include trans-identifying males (i.e., transwomen) in their target population. This is the case for *Manatū Wāhine - Ministry for Women* and *Manatū Hauora - Ministry of Health*, which included trans-identified males in the target audience for their Women’s Health Strategy.
10. We are concerned that including trans-identified males in the category of woman will reduce the focus on improving outcomes for women. Furthermore, we are concerned that the redefinition of the category of women has occurred without significant public consultation and women may self-exclude from participation in different areas of society when they realise that they are expected to share spaces with trans-identified males.
11. We note that wāhine Māori have objected to concepts of gender being described as part of Māori cultureⁱⁱⁱ: *“Māori history, culture, and knowledge (mātauranga) are carried forth orally and visually through the generations—via stories, songs, proverbs, carvings, tattoos, and performing arts. These have meaning beyond artistic expression and technical skill; they tell the genealogies of individuals, families, and tribes that have gone before, and mark great moments in their histories. There are no examples of anything resembling western ideas about “gender” in any of these cultural traditions.”*
12. Women who advocate for the protection of women sex-based rights, who are concerned about male access to women’s sex-segregated spaces on the bases of self-declared gender instead of sex, face intimidation, deplatforming and vilification.
13. Legacy media in New Zealand often misrepresent the stance of women’s rights advocates, labelling them as ‘anti-trans’. This biased reporting encourages animosity against women and prevents public debate. Reem Alsalem, the UN Special Rapporteur on violence against women and girls expressed concerns “by the shrinking space in several countries in the Global North for women and feminist organisations and their allies to gather and/or express themselves peacefully in demanding respect for their needs based on their sex and/or sexual orientation.”
14. In the last UPR, the New Zealand Human Rights Commission recommended that New Zealand include gender identity, gender expression or sex characteristics as prohibited grounds of discrimination in article 21 of the Human Rights Act 1993. SUFW objects to this recommendation.
15. We consider that gender identity is a belief, distinct from sex and sex characteristics, and should be treated in par with ethical beliefs or religious beliefs, which are prohibited grounds for discrimination in the HRA.
16. Gender identity is defined by StatsNZ as a person’s internal and individual experience of gender. The World Health Organisation [defines gender](#) as the “norms, behaviours and roles associated with being a woman, man, girl or boy”. Similarly, Merriam Webster^{iv} [defines](#) gender as “the behavioural, cultural, or psychological traits typically associated with one sex”—in other words, sex stereotypes.

Recommendations

1. SUFW recommends New Zealand to:
 - a. Implement measures to **protect and promote women's sex-based rights** and the provision of single-sex spaces, services and opportunities for women and girls.
 - b. Implement measures to protect and maintain the use of language related to women and women's experiences (e.g., words like mother, daughter, breastfeeding) in law, policy making and other public and private contexts.
 - c. Prioritise **sex**, not gender identity, **in policy making at all levels of government**.
 - d. We urge New Zealand to implement measures to **protect freedom of speech** online and in real life. Freedom of speech is the only recourse for women and other minority groups to advocate for the protection of our human rights and the elimination of discrimination.
 - e. Finally, we urge New Zealand to define *woman as an adult human female* in law by end of 2024.

Notes:

ⁱ <https://www.legislation.govt.nz/act/public/2021/0057/latest/DLM7273502.html>

ⁱⁱ <https://ojs.victoria.ac.nz/pq/article/view/7316/6469>

ⁱⁱⁱ <https://quillette.com/2023/05/04/fictionalizing-indigenous-history-in-the-name-of-gender-activism/>

^{iv} <https://www.merriam-webster.com/dictionary/gender>