

Submission to the NZ Universal Periodic Review 2024

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I submit a 2021 article which, written together with Jill Abigail in support of my submission to the 2024 UPR for New Zealand. It described the negative impacts and worsening Human Rights Position for Women, Lesbians and Gay Men and children because of gender theory (also known as gender ideology). Much of this change has occurred in the period since the 2019 review. I submit many of the adverse changes have been caused as the result of the adoption of gender theory into the apparatus of the NZ state.

Below I have written a short summary explaining why the adoption of gender theory / gender ideology in government is inappropriate in a secular state. I then provide some information updating and summarising the situation since the 2021 paper. I identify that the continuing implementation of gender theory is leading to a loss of social cohesion and continued worsening of human rights in New Zealand.

Gender Theory / Gender Ideology

Gender theory is the idea that self-identified gender is more important than sex in the determination of who a person is. Gender theory is argued to be based on queer theory, a subset of post-modernism. Queer theory is specifically intended to be transgressive, boundary breaking and unstable. Thus prostitution is called 'sex work' and has been normalised and to some extent de-stigmatised in part because of queer theory approaches. Formerly problematic features of sexuality must now not be subject to judgment. For example people who comment critically on the sexual fetishes of others are said to be guilty of 'slut shaming'. This is evidence of queer theory thinking.

The language describing gender identity is unstable, ever changing and personal. 'Queer' people may use the same word to mean different things or different words to mean the same thing. The names and definitions of genders can change frequently. There are likely to be problems of implementing unstable and purposely transgressive belief systems into law and policy. While its texts purport to record 'modern' understandings of the body, gender ideology is based, like religions are, on a belief system for which there is not, and cannot be a proof.

Gender ideology / theory arose from theoretical speculation that the gendered aspects of the self are best described as generated by repeated personal performance of gender that accords with or differs from societal stereotypes. Thus gender in gender theory is based on performance, culture and self-perception not sex based on biology as the fundamental division between people.

The claims made by gender theory relate to the nature of the personal identity of humans known in queer theory as 'sexed bodies'. It relegates sex and prioritises gender as the most relevant explanation for personal 'identity'. Gender and gender identity have circular (self-referential) definitions (words and phrases that are defined in terms of themselves) For example [Stats NZ](#) definitions are:

Gender defined as referring to a person's social and personal identity as male, female, or another gender or genders that may be non-binary. Gender may include gender identity and/or gender expression. A person's current gender may differ from the sex recorded at their birth and may differ from what is indicated on their current legal documents. A person's gender may change over time. Some people may not identify with any gender.

And **Gender Identity** refers to a person's *internal and individual experience of gender.*

Gender theory as a form of religion

Gender theory statements like “transwomen are women, "born in the wrong body", 'sex assigned at birth' 'I've always been female' (of someone born male) are stated in the language of gender theory metaphysics. Thus the statements are not an independent conceptual framework amenable to testing and to which believers in gender theory and non-believers can both agree. Nor are gender theory and queer theory claims about identities amenable to controlled research. According to gender theory a gender identity is a personal essence that can only be understood by self-enquiry and comes to stand for preferences of style, dress and the 'performance' of gender. It cannot be understood by others, has no specific criteria and brooks no explanation and may or may not be associated with discomfort arising from one's body.

The claims of gender theory are soteriological in that they contain ideas about personal liberation, freedom and destiny. Correctly finding one's gender identity is 'to be who I really am'. What is described is a path which believers in gender theory adhere to and which others disbelieve. Thus Gender Theory is best understood as a form of religion for which there is *ritual* – coming out as trans, exploring your gender – supposedly a private and very personal internal journey that has nothing to do with personal circumstances or life experience; *new terminology* for genders and sexualities that are based on personal perception and feeling and a constantly evolving set of understandings revealed to people with gender identities; *liturgy and incantation* – including illogical and unprovable claims such as being 'born in the wrong body', that there is to be 'no debate'; that discussion about the conflicts between transgender and women's rights must be forbidden because to do so is to 'deny transgender people's existence' and *heresies* such as believing that sex is more useful category than gender or that a person's claims about gender theory issues need not be believed by everyone.

The protection of gender theory ideas in New Zealand law

Laws are under consideration that would potentially make disbelief in gender theory claims subject to legal punishment. The proposed Sports Integrity Act currently going through parliament contains such provisions. Other potential laws are with the Law Commission. Two others described below have already been passed. Such laws are a significant impact on freedom of belief for those who are sceptical that there are gender identities. The mandating of gender theory, as a matter for the whole population, based on unsubstantiated and unprovable claims, are novel in society. We are not usually commanded to believe what others do with force of law. There are likely to be unintended consequences of taking such a route that have not even been identified by government, let alone given any serious consideration. We have no idea of the long term impacts of mandating these beliefs might be on society as a whole. But over the years since the last review personal identities derived from gender ideology have come to have primacy and have become embedded widely in New Zealand's public sector.

While people should be free to hold this belief system and to have their beliefs held freely without interference; these beliefs should not interfere with the beliefs of other people. They should not form the basis of a mandated belief system that the state demands of its citizens. This metaphysical belief system should have no role in the governance and policies of a secular state. However in New Zealand not only have they been adopted by the NZ government, this has happened in a way where the beliefs of gender theory override those of science, biology, medicine, rationality, plurality and secular education. This is best exhibited in the way that our Prime Minister when asked what a woman is first said it was a hard question to answer, then that it meant biology and he then said it was a matter of personal identification.

Update to Sex, Gender and Women's Rights

Social cohesion

These differences of view over the issue of gender ideology are highly contested and are leading to violent and threatening confrontations by transgender people and their allies at public meetings where women seek to discuss issues of common interest. The sharing of anti-transgender memes and threats on social media by right wing and anti-transgender opponents is argued to be happening with threats made to transgender people. (The Disinformation Project has made the case that this is extremely prevalent – although elements of their research make it abundantly clear that they are couching views [with which they do not agree](#) as extreme.) The lack of willingness by the elected and executive branches of government to find solutions that are fair to all on this issue creates the possibility of a bad situation getting much worse. When large numbers of people hold secular beliefs for which there is little or no reflection in the media, in politics or in academia, there is ripe ground for the recruitment of people to organisations that will represent their concerns. With no legitimate representation these could take on a more toxic format. There is some evidence that on the far, intolerant right some have seen the opportunity to exploit a situation of a disjunct between what most people believe and what is being mandated in policy and law. Their intent appears to be to make life more difficult for transgender people even as they purport, with little evidence, to support those who believe in secularism and women's rights. This is a situation that demands urgent and concerted attention.

There are many practical impacts of the adoption of gender theory. Former feminist groups have, like the National Council of Women and Women's Studies Association have been eviscerated as members disagree on these issues. Lesbians are again having to meet in secret or face protest. Lesbians who believe men cannot be lesbian were barred from participating in [Wellington Pride](#). Lesbian public spaces such as dating apps are dominated by men who say they are lesbian. Any women who object [are barred](#). Evidence that lesbians face [sexual harm](#) by some transgender identified male people are dismissed as 'transphobic'.

In the United Kingdom the issue has reached some moves towards a resolution. The UK government currently led by the Conservative Party has also overseen the reining in of many elements of overreach. Paediatric gender transition has been halted outside of clinical trials. Proposed self-identification laws have been abandoned in the UK and in Scotland. Rainbow organisation Stonewall whose inaccurate interpretation of the Equality Act came to be known as Stonewall Law has been removed from many roles of influence and there is an official Charity's investigation into the operation of Mermaids an organisation that used its influence to influence gender medicine policy and to recommend and have treatment carried out where other professional clinicians would not.

Keir Starmer, the head of the Opposition Labour Party, whose policies were similar to those of the NZ parties of across government, has made a sudden reversal of policy confirming, after years of equivocation, that women do indeed have rights and they don't have penises. Starmer said of the proposed introduction [of self-identification](#) *'if you can't take the public with you on a journey of reform, then you're probably not on the right journey.'*

During 2021 and 2022 I held meetings with the Human Rights Commission, Public Services Commission, Ministry for Women and Ministry of Social Development that I was able to arrange in asking that this issue be identified as an issue of potential concern had no impact. Opponents of women being able to meet to discuss women's rights seek to cancel the meetings on the basis that to hold them [is to cause 'harm'](#), as if civil debate, on issues of public policy is tantamount to being

harmful. Many people, including me, have had their employment targetted, and I am in contact with many tens of women concerned about the intolerance who fear for their jobs if they speak out on this issue with their concerns. Families are split and friendships wrecked. On the other hand the large majority of women and men appear to be in support of the retention of secularism rather than gender ideology in public life when they are polled anonymously. For example 68% of those surveyed in a recent poll – and a majority of supporters in all political parties – believe that men who believe they are women [do not belong in women's sports](#).

New Legislation

Since the attached article was written two pieces of legislation have been passed. Neither had a public consultation process prior to being introduced to introduction and so did not benefit from wide public input into their drafting.

The Births, Deaths, Marriages and Relationships Registration Law allows anyone to have their birth certificate changed with nothing more than a declaration. There are concerns that the new law will allow males to be included in all aspects of women's lives where formerly the provisions of the Human Rights Act reserved them for women. This includes in accommodation such as at school camps, care homes, hospitals and women's refuges and is likely to mean that more transgender identified males will be involved in providing services to those women even though women have never been consulted about this. There is evidence that women are being counselled about sensitive issues by transgender identified women when they would have expected to be counselled by women. While there are provisions in the bill to allow women and institutions to consider other information in the determination of sex that puts the onus on those wishing to create female spaces and services by exclusion on a case by case basis. Thus the protection of women's spaces and services have to be fought for piecemeal venue by venue and service by service.

If having men in women's services and women's venues becomes the norm the likelihood that some men will take advantage of the opportunity to be in places where women are vulnerable.

The Conversion Practices Prohibition legislation has had a chilling effect on the ability of clinicians and counsellors to support children with gender dysphoria to any outcome except medical gender transition despite the bill seeking to allow respectful relationships on sex and gender. Often such children are traumatised or autistic or most importantly would pass through puberty accomodating to their sexed bodies and becoming gay or lesbian adults. The legislation and other policies are a recipe for overmedication as a recent article by the editor of the BMJ [has described](#). New Zealand's gender affirmation policies are causing serious iatrogenic effects in thousands of children and young people.

No negative factors and no public consultation

The Department of Internal Affairs took the view that there were no untoward impacts of allowing any man have a female birth certificate and new name without any preconditions unlike in the UK where when similar legislation was proposed has stalled. In Scotland it was a contributing factor to the resignation of First Minister Nicola Sturgeon when the public became aware that her party's new law would house violent male offenders in women's gaols. In New Zealand by stating that there were no adverse effects and carrying out no research or 'precautionary principle' thinking to identify them obviously no problems were found. Is it ever appropriate to implement legislation in the absence of any consideration of unintended consequences?

Prisons

NZ is now housing some men, including those who are physically intact males, and some who are extremely violent in women's prisons in New Zealand in direct conflict with the United Nations

conventions that state that this should not happen such as the Nelson Mandela Rules. This is despite the Corrections Department (that manages New Zealand's Prisons) having had to take advantage of provisions in the new law that enable it use a range of factors other than identity documents in deciding who is a woman. This is particularly important if the man has a record of violence and sexual violence. Women are in prison *for* punishment, not *as* punishment. However as well as assaults and rumours about prison pregnancies and sexual relationships involving males in women's prisons there are reports from people who work in prisons of constant low level sexual harassment and intimidation by men in women's prisons. There is a strong likelihood that New Zealand's women's prisons will include those – as has happened in the UK – whose identification is as transgender is sudden, opportunistic and reversed on release.

The Human Rights Commission

The Commission had produced the Prism Report to guide its work and it was discussed in the attached paper. That paper argued that transgender people were one of the most vulnerable groups in society ignoring information in the very research it cited - a survey of NZ's young people - that it is in fact young women – whether lesbian or transgender identified - who face most sexual abuse. The same research showed that young lesbians and gay men are equally, if not more vulnerable, than the transgender and non-binary people the Commission argues are its focus.

The Human Rights Commission has been instrumental in watering down the law, allowing for sex based provisions to protect women by arguing that transgender identified males (transwomen) are to be included as women contrary to the law. The Commission has also argued that 'everyone has a gender identity' while having carried out no research on this point. It has defined sexual orientation as attraction to a same or different gender, not sex. The logical impact of this is heterosexual men who say they are women are lesbian, and by extension their female partners become lesbian too. Lesbians and gay men are redefined as 'same gender' attracted. This is incoherent and homophobic in its impacts.

In connection with the deteriorating situation the Chief Commissioner has taken no action *to encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society* that is one of the main purposes of the Commission under [the Human Rights Act](#) and instead has appeared on platforms and in the media for the suppression of speech and the prioritisation of the rights of gender minority people. The Chief Commissioner attended the counter-protest to the visit of Posie Parker in Wellington after the first event had violent incidents. He thus indicated that his stance was partisan rather than conciliatory. This is surely a failure of his role.

Stats NZ

Having committed to collecting sex data in the census Stats New Zealand produced a form and online tool that required every New Zealander to provide a gender value to correspond to their gender identity. As described above the definition is self-referential and it is a data point that is being collected a matter of faith rather than of fact. People have never been asked for their opinions as to whether they have a gender in the form of a gender identity and yet both the paper and online forms did not allow for the answer to be that the person did not have one. A better approach would have been to allow an answer of 'none' as is possible for recording religion. However Stats NZ has decided that gender, not sex is a primary data point. Latest figures show that almost a million people have not completed the census indicating a sharp drop in compliance and thus of faith in government. This will be at least in part due to the nonsensical question. In the UK a similar questions found that the [largest number of transgender people](#) in the UK were in a largely Muslim area of London. It appears that the question had not been understood by non-English

speakers and this is likely to be the case in New Zealand. The Stats NZ definition of includes the idea that *'a person's sex can change over the course of their lifetime and may differ from their sex recorded at birth*. Since this is neither true nor possible the Stats NZ definition of sex cannot be used in either science or medicine.

Education

The Ministry of Education Relationship, Sexuality and Education Guidelines present being transgender as an option to all Primary School children, who are encouraged to use their [preferred name and pronouns](#). Teachers 'help' [confused or unhappy kids](#) to decide they are transgender. [Auckland University researchers](#) asked thousands of 8-year-old children which gender they identified with promoting the fantasy sex change is possible. Schools turn to ['rainbow' advocacy groups](#) who give extra attention and support to these children. Such interventions actively encourage every child and young person to believe that they might be transgender.

Public Services Commission

In our paper we identified that the call for public servants to use and adopt third person pronouns in order to be 'allies' to transgender and non-binary people was signalled as a problem for the ability of public servants to provide free and frank advice. We were told by the Commission that the advice was not mandated. However since then the ideology has been included in application forms and other places by osmosis and public servants are given training that demands that they believe in gender theory from 'rainbow organisations'. A new Rainbow language guide has been produced by the Commission that now demands that other language – including a blanket adoption of gender neutral language - be adopted by public servants further limiting their ability for free and frank advice. This time there is no reassurance that the language need not be used.

Health

The Ministry of Health has begun to remove the word women to describe the services that are relevant to women and to replace it with gender theory permissible terms like cervix-haver, chest feeder and pregnant person. These changes go against medical advice which says that public health messaging should be clear and should take account of people for whom English is not a first language. A new health strategy will include men who identify as women for reasons that are very flimsy and [which do not stand up to analysis](#).

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