



**Speak Up for Women**  
**Briefing to the**  
**Incoming Minister of**  
**Statistics**

14 December 2023



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## 1. Briefing purpose

This briefing document is to provide information about the areas of your ministerial portfolio that relate to the interests of women and girls based on sex, and where Speak Up for Women (SUFW) provides advocacy and representation.

SUFW is one of the largest and well-known women's advocacy organisations in New Zealand supporting women and girls' safety, freedoms and identities.

We have particularly focused on those areas of your Statistics portfolio which support **commitments made by the Government in its First 100 Days Plan and the Coalition Agreements**.

Our suggestions can also assist with key challenges facing the wider public sector data and statistical system which were identified by Stats NZ in its February 2023 Briefing to the Incoming Minister. These challenges included:

- Declining Census participation
- Ensuring the system provides robust insights to help meet the diverse needs of stakeholders, including the LGBTQI+ community
- Maintaining public trust and confidence in the Government's use of data and uptake of technology
- Improving ethical data practice across government, ensuring privacy is maintained and transparency to the public is improved.

We would like to meet with you to discuss our ideas and suggestions further.

## 2. New Government's commitments

Your government has made a number of commitments in its First 100 Days Plan and its coalition agreements which you can support in your role as Minister of Statistics, primarily through **ensuring Stats NZ establishes robust data standards that differentiate between sex (biological fact, scientifically verifiable and stable over time) and gender identity (self declared, subjective, unverifiable, changeable).**

The specific commitments are:

- **Take first steps to extend free breast cancer screening to those aged up to 74** (item 44 in the First 100 Days Plan).
- **Ensure proper funding for birthing units and maternity care, including providing for a three day stay for new mothers** (National-NZ First Coalition Agreement).

*Having accurate data about the number of females, however they identify, in each age group will help with planning and funding for these commitments.*

- **Ensure publicly funded sporting bodies support fair competition that is not compromised by rules relating to gender** (National-NZ First Coalition Agreement).

*Having a consistent definition of sex and gender used across government will bring clarity to discussions about inclusion and fairness in sports.*

The coalition agreements also make commitments to Ongoing Decision-Making Principles, which are also supported **by ensuring Stats NZ establishes robust data standards that differentiate between sex and gender identity.**

The Coalition Government will make decisions that are:

Principled – making decisions based on sound public policy principles, including problem definition, rigorous cost benefit analysis and economic efficiency.

People-focussed – public services, whether for New Zealanders or tourists, will be designed around the needs of the people who use them.

Accountable – the Government will set clear public service targets and regularly report on progress towards these objectives.

Evidence-based – decisions will be based on data and evidence, with programmes regularly assessed to see if they are delivering results.

### 3. The issue: differentiating between sex and gender

Statistics New Zealand sets out a data standard for gender, sex and variations of sex characteristics for use across government. The new data standard has been in place since April 2021:

**Gender:** *Gender refers 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.*

*...The criterion used to classify a person's gender is self-defined. It is the gender the person provides.*

**Gender identity:** *Gender identity refers to a person's internal and individual experience of gender.*

**Sex:** *Sex is based on a person's sex characteristics, such as their chromosomes, hormones, and reproductive organs. While typically based upon the sex characteristics observed and recorded at birth or infancy, a person's sex can change over the course of their lifetime and may differ from their sex recorded at birth.*

(Source: [Data standard for gender, sex, and variations of sex characteristics | Stats NZ](#))

Their definitions are contentious, non-scientific and ambiguous. The definition of 'gender' and 'gender identity' are circular and reliant on sex stereotypes. Their definition of sex includes the incorrect statement that people can change sex.

The data standard states that by default data should be collected about gender, not sex. This makes gender - unverifiable, subjective, changeable, self-declared - the default over sex - biological fact, scientifically verifiable - and has the potential to severely compromise data collection and official statistics in New Zealand. The change in definition (so that gender no longer refers to biological sex) also creates challenges in comparing data across different time periods.

The new standard is ideologically driven and does not reflect best practice.

Issues arose with the 2023 Census, which was the first to ask everyone in New Zealand about their gender identity, sexual identity, and whether they have any variations of sex characteristics.

SUFW supports the addition of this data collection. Census data is important as it helps governments make decisions about how to best use public funding, especially in areas of health, education, housing, and transport.

Unfortunately the integrity of the 2023 Census data, and indeed other data gathered by government agencies since at least since 2021, has been compromised by the use of the ambiguous and unscientific gender and sex data standard.

**Example one:** A trans-identifying male answers the Census 2023 **Gender** question as “Female”. He doesn’t answer the **Sex** question. The result is that he is recorded as Female with no reference to his trans-identity. This scenario does not serve the transgender community in any way.

**Example two:** A researcher wants to know how many lesbian women there are in New Zealand, this could be useful in planning for elder care for women or for targeting groups for health reasons. This data is not available as the data standard does not differentiate between a female who is same sex attracted and a male who claims a female identity and is same gender attracted.

### **Other problems with Census 2023**

Amongst other methodological shortcomings of the 2023 Census is the way that questions were asked about gender and sex:

- Question 3 asked for ‘gender’. Question 4 asked for ‘sex’. To the ordinary person in the street ‘gender’ is another word for biological sex. There is no way of knowing which meaning people were responding to.
- The options for question 3 (gender) were: male, female and another gender. There was no opt out option. The gender ideology notion that every person has a gender identity is a philosophical belief and by no means widespread. The census should have included at least one or both of these options, to more accurately reflect the range of belief in our society:

I don’t believe in gender

I object to the question.

This would make it more similar to the question on religion, which offers similar options.

- Stats NZ’s census email helpline gave misleading and contradictory advice prior to the census, in some cases suggesting that if individuals did not answer the gender question, a gender would be assigned to them, derived from other data sources like the answer to the sex question - and in other cases stating incorrectly that the field would remain blank. This is unethical and contrary to Stats NZ’s own standards.

## **Ministry for Women**

The Ministry for Women, Manatū Wāhine, states that it ***“represents the interests of all women, including transgender women, and we recognise the right of all people to self-identify.”*** - thereby including transgender women (males who identify as women) in their data on women.

Two key areas of interest for the Ministry for Women are in closing the pay gap between men and women and increasing womens' participation on Crown entity boards. The Ministry follows the Stats NZ data standard and now defines women as a gender, rather than a sex. This will make it more difficult for the Ministry to measure progress towards these targets.

## **InsideOUT and Rainbow Representation**

In the past four financial years, Stats NZ has spent over \$75,000 +GST on diversity training with InsideOUT - an ideologically driven organisation who provide training primarily on rainbow inclusivity and ally-ship. Their teaching seeks to eliminate the concept of sex as a fixed attribute. The consultation on the development of the new gender data standard was clearly heavily influenced by this organisation under the guise of “rainbow” representation. This is inaccurate as the rainbow community is as varied as any other community. The result is that the data collected does not provide accurate statistics for the Rainbow community at all.

## 4. What you can do: your levers with Stats NZ

As the Minister of Statistics you are accountable to Parliament and the New Zealand public for ensuring that Stats NZ carries out its functions properly and efficiently (para 3.31 Cabinet Manual).

You have a number of levers available to you to influence the department to adopt more robust data standards around sex and gender.

These include levers in legislation:

- Under the Data and Statistics Act 2022, you have the power to direct the Government Statistician to produce or cease production of statistics of any kind (s44).
- Requiring the department to produce an amended Statement of Intent at any time (s38A of the Public Finance Act).

You also have soft levers available to you, such as asking the Chief Executive of Stats NZ to report back to you with options for reviewing the the sex and gender data standard to ensure that:

- Robust and coherent definitions are used for sex (biological fact, scientifically verifiable and stable over time) and gender identity (self declared, subjective, unverifiable, changeable).
- The current 'gender by default principle' is replaced with a 'sex by default principle, so data collection defaults to sex, not gender.
- People are given the same options for answering questions about gender and gender identity as they are given for questions on religion, so that for those who do not believe in gender they will be able to complete official data forms such as the 2023 Census accurately and honestly. This means including these options:
  - No gender
  - Object to answering
- Stats NZ does not ascribe a gender identity to someone by deriving it from other information sources (such as answers to questions on sex).
- Stats NZ is asked to include SUFW in any consultation or reference groups going forward.



## 5. Background – Sex realism vs gender ideology

Many countries including New Zealand are undergoing a political and cultural struggle between those who are sex realists and those who promote gender identity ideology.

Sex realists are those who know that biological sex is real and immutable, and that in certain situations sex really matters. In opposition to this, people who believe gender identity ideology assert that all humans have an innate, subjective gender identity, and that this gender identity should overwrite sex in custom, policy and law.

People who oppose gender identity ideology taking precedence over sex are often referred to as “gender critical”.

### ***Sex matters***

Female people have historically been subjected to discrimination and restrictions in a male dominated society that seeks to exploit our reproductive and sexual capacity. Additionally women are on average smaller, physically weaker, less prone to violence and more likely to be sexually victimised by predatory male sexual behaviours than the reverse.

For these reasons single sex services have historically been provided to enable women to have equal opportunities to participate in society.

The Human Rights Act 1993 (HRA) allows for single sex services, sports, facilities, services, and opportunities. To be clear, the HRA allows provision for females only, and the exclusion of males who assert a female gender identity (“Trans women”).

### **Sex**

Human beings are mammals, evolved over millennia via sexual selection. There are only two sexes involved in this process – males, which develop along a pathway to produce small gametes, and females which develop along a pathway to produce large gametes. The development pathway of an individual is determined by their chromosomes at conception.

That some humans cannot reproduce does not change the fact that sex is binary and immutable in humans.

The reproductive strategies of other species such as fish and fungi do not prove that sex isn’t binary and immutable in humans. No human has ever changed sex and there are no hermaphrodites or third sexes in humans.

There is no scientific evidence for transgender, for example “a female brain in a man’s body”. Transgender-identifying people have brains and bodies typical of their sex.

## ***Gender***

It is useful in this discussion not to use *gender* as a synonym for *sex* (although historically *gender* has tended to be used as a polite word for *sex*). Instead *gender*, for the purposes of discussing *gender* ideology, refers to *gender* identity - the inner sense some people experience of being male, female or neither (and arguably, how much importance they place on this).

Thus, a “transgender woman” is a male who asserts that he is a woman, and a “transgender man” is a woman who asserts that she is a man. A “non-binary” person asserts that they are neither male or female (i.e. they do not feel male or female – whatever that means to them).

Notwithstanding the intensity with which trans-identified people assert their feelings of *gender*, it is clear that the concept merely relates to personality - whether someone believes themselves to be masculine or feminine, and the extent to which they choose to conform to sex role stereotypes or cultural norms.

Of course, this also means “*gender*” is subjective and unfalsifiable, as we cannot claim to know how others feel. This is why *gender* identity ideology places great emphasis on self-declaration, as unlike *sex* “*gender*” is not observable.

## ***Sexuality***

Sexual orientation or *sexuality* is another important concept in this discussion. Sexual orientation refers to heterosexuality (attracted to the opposite sex), homosexuality (same sex attracted) and bisexuality (attracted to both sexes). These are not *gender* identities or different sexes, a gay man is still male, and a lesbian is still female.

## ***Intersex***

Intersex conditions, also referred to as DSDs or disorders/differences in sexual development, are medical conditions. While intersex people may have atypical chromosomes and bodies, they are still male or female - these are the only two development pathways in humans. Intersex is not an “identity” and nor is it a third sex.

## 6. About Speak Up for Women

Speak up For Women (SUFW) is seeking to ensure freedoms, safety and identities are protected for women and girls in New Zealand.

Formed in 2018, SUFW is a diverse group of ordinary women who are concerned about the impact of gender identity politics, as we realised that previously dedicated women's groups now focus heavily on gender identity and what is left is a void of services and advocates for women. We were also dismayed by the way women's voices have been silenced by slurs, smears and targeted harassment campaigns.

We came together to campaign against the sex self-ID amendment being pushed through as part of the BDMRR Bill and our hard work resulted in the inclusion of article 79(2) in the BDMRR Act 2021 which allows for the existence of women-only services and sex-segregated spaces on the basis of biological sex, not gender identity.

Our discussion group includes teachers, academics, health professionals, care workers, activists, lawyers, retirees, students, mums, aunties, sisters and daughters.

SUFW is run entirely by volunteers and receives no public funds or funds from external organisations. We are not affiliated to any political party or religious organisation.

Our **mission** is to advocate for the sex-based rights of women and girls, with a primary focus of bringing attention to the eroding of women's and girls' rights and language.

Our **vision** is for women and girls to maintain sex-based services, spaces and opportunities in New Zealand.

## 7. Our advocacy

Human rights, freedoms, safety and autonomy for women and girls have seen large gains in the West over the last century.

While progress in the transgender community being treated with humanity and compassion is broadly positive, it is resulting, in some cases, at the expense of hard won and fragile gains made by the women's rights movement. Notably, it is coming at the expense of girls and women who wish to preserve their own spaces, freedoms and safety in contexts like sports, bathrooms and changing rooms, and their own language and identities.

Our principles are core to our advocacy work.

These eight principles form the basis of how we represent our causes and who we partner with.

1. *Women are adult human females; girls are human female children.*
2. *Women and girls have the right to live free of violence, including sexual, physical and emotional.*
3. *Women and girls have the right to organise and gather in safe, sex-segregated spaces.*
4. *Women and girls have the right to reproductive sovereignty.*
5. *Women and girls have the right to live free from commercial sexual exploitation.*
6. *Women and girls have the right to economic independence, pay equity, and living wages.*
7. *Lesbians are exclusively same-sex attracted females and have the right to assert their same-sex attraction without facing harassment.*
8. *'Sex' refers to the biological characteristics that distinguish males from females. Sex is immutable. 'Gender' refers to the stereotyped roles, cultural norms, behaviours and attributes that society at a given time associates with males and females.*

There are many times when sex doesn't matter, we encourage freedom of gender expression and we want our children to grow up without narrow definitions of what it means to be a woman or a man.

But sometimes sex really does matter - and this is where we are focussed.

See [www.speakupforwomen.nz](http://www.speakupforwomen.nz) for more details.

## 8. Gender identity politics and the “Rainbow Community”

As part of the cultural and political changes around gender ideology, the cultural and political constructs “the Rainbow Community” and “LGBTQIA+” have developed and been popularised by activists, the civil service and the media. It is important to understand that these terms group together very different populations.

We highly recommend that if you receive advice from officials related to the “Rainbow community” or “LGBTQIA+” you seek clarification about the particular demographic that is being discussed, the recommendations being made, and why it being asserted that these very different populations share the same needs.

### **LGBTQIA+**

**LGB** relates to **sexuality** and refers to Lesbian, Gay and Bisexual. These are people who experience **same sex attraction** and historically have organised politically to achieve law reforms (decriminalisation of homosexual acts, same sex marriage). This is a distinct group. Many SUFW supporters (including our spokeswoman) are LGB.

**T** relates to **gender identity** and refers to trans or transgender – an umbrella term for those who assert a gender identity. This includes extremely varied demographic groups, for example heterosexual, middle aged, married, professionally successful fathers; and depressed, anxious NEET (not in education, employment or training) teenage girls.

**Q** stands for **Queer** and can relate to sexuality or gender identity. It is an umbrella term used by some people who assert a gender identity, some same-sex attracted people, and people who believe themselves to be upending what they perceive as sexual or sex role norms.

**I** refers to **Intersex** – a medical condition - see [here](#)

**A** refers to **Asexual** – operates as an identity but relates to sexuality. An umbrella term for people who identify as part of the Rainbow Community, based in whole or part on an asserted lack of experiencing sexual attraction. Notwithstanding this, many of those who identify as asexual also say they are sexually active. However they believe themselves to be a sexual (sexuality) minority in need of political and cultural rights and protections.

### ***Gender in non-Western cultures***

Many cultures include “third gender” roles. These categories are a way of accommodating sex role nonconformity and in particular male homosexuality, in cultures where male roles are very masculine and rigid. Gender identity activists claim that traditional “third gender” roles are proof of and part of the (Western-origin) “LGBTQIA+” construct. North American gender activists may include “2S” in their

acronym, meaning “Two Spirit”, a (relatively recent and contentious) Native American term for those who assert both a masculine and feminine spirit.

Out of the claim that non Western cultures recognise other “genders”, activists mount the argument that to assert the sex binary and its importance is “colonisation” and even “white supremacy”.

Activists in New Zealand may use the word *takatapui*, which translates as “close friend of the same sex”. This term has been co-opted by activists to include trans and other identities.

You may see the acronym *MVPFAFF* used. This includes Pasifika gender roles such as Samoan fa'afafine.

### ***Gender ideology in other countries***

Other countries experiencing this political and cultural phenomenon include Australia, the USA, Canada, the UK, Ireland, Mexico, Argentina, France, Iceland, and India. This political and cultural movement owes its genesis to a number of influences including but not limited to the internet/social media, with increasing numbers of people looking for community and meaning via personas and avatars they curate online and attempt to realise offline.

### ***Opposition to gender***

In modern, democratic societies sex does not, and should not determine life choices or personal expression. However this does not make it irrelevant to how we should organise society. Women by virtue of being female bear by far the greater physical burdens and responsibilities in reproduction. Men are on average bigger and stronger than women and are more inclined to use physical violence including sexual violence. This means women and girls require particular accommodations on the basis of sex to ensure we can safely and fairly participate in society

Speak Up for Women and those opposed to gender identity ideology consider gender to be a moot construct in modern democratic societies, as people are generally free to pursue their life path, express their personalities and choose personal styling in any way they choose, regardless of what is claimed to be typical or appropriate for males or females.

We do not think that refusal to abide by sex stereotypes warrants the construction of a gender identity, rather we think women, girls and society are better served by the equal opportunities feminism of the twentieth century - that understood female oppression was targeted at our physical characteristics, and best countered with the old rallying cry of “girls can do anything”. At its core, gender ideology is regressive and sexist as it asserts sex must be denied, even to the point of surgically changing bodies, to match personalities – as opposed to supporting women and girls, and men and boys, to express themselves and pursue their interests across traditional sex role boundaries if they wish.

## 9. Why Speak Up for Women exist

Speak Up for Women was formed in 2018 and is a diverse group of ordinary women who initially came together to campaign against the introduction of sex self-identification on birth certificates being pursued by the previous Government as part of the Births, Deaths, Marriages and Relationships Registration (BDMRR) Bill.

We began with a shared concern about the impact of gender identity activism (including sex self-ID) on the rights of women and girls. We quickly realised that there was no one advocating for women across the board.

Previously dedicated women's groups such as the National Council for Women now focus heavily on gender identity and the contested belief that to be a woman is a state of mind or a feeling rather than a material reality. What is left is a void of services and advocates for women/females as a sex class separate and distinct from men/males.

That sex matters, that sex (an objective material reality) is different from gender identity (a subjective inner feeling felt by some) and that in some circumstances, women need specific advocacy and representation on the basis of sex. This includes strongly advocating for the women and providers to be able to access and offer the existing exclusions in the Human Rights Act 1993 that allow for single sex services, sports, facilities, services, and opportunities.

After our attempts to meet in public venues to discuss to proposed changes in the BDMRR Bill were consistently cancelled by council facilities and being labelled as “transphobic”, “bigoted” and a “hate group” by a number of organisations and individuals (including MPs), we took one of the most recent and important court cases regarding freedom of association and speech and the Bill of Rights Act in recent times ([Whitmore vs Palmerston North City Council](#)).

Despite over two-thirds of submitters to the Select Committee opposing the introduction of sex self-identification on birth certifications, the Births, Deaths Marriages and Relationships Registration Act was passed in 2021. However, the advocacy of SUFW, alongside other groups and individuals, resulted in the inclusion of section 79(2). This section states that a birth certificate is not determinate of sex and allows for the existence of women only services and sex segregated spaces on the bases of biological sex, not gender identity.