

Submission on the Legislation (Definitions of Woman and Man) Amendment Bill

Hohou Te Rongo Kahukura – Outing Violence

June 2026

About us: Hohou Te Rongo Kahukura

[Hohou Te Rongo Kahukura](#) is a charitable trust focused on building Takatāpui and Rainbow communities free of violence. We operate with a Te Tiriti structure, are survivor-led, and take a community development and research-based approach to prevent violence, improve responses after people have experienced violence, and promote wellbeing for people in Takatāpui and Rainbow communities across the lifespan. This includes services such as:

- **Sexual violence support:** our national, confidential and mana-enhancing support and recovery service for Takatāpui and Rainbow survivors of sexual harm. This ACC funded service includes 68 psychologists, therapists and social workers offering inclusive, culturally safe mental health support for Takatāpui and Rainbow people.
- **Family violence support:** a Waikato based, ISR funded, free and unique support service after family violence for Takatāpui and Rainbow whānau.
- **Practitioner support:** the Rainbow Wellbeing Network brings together practitioners for peer support. We also offer professional supervision to 30 social work and mental health practitioners around the country.
- **Community wellbeing:** extensive wellbeing and connection programmes to build and maintain networks, belonging and healthy relationships within communities, including [Club Kahukura](#), a healthy relationships programme for adults new to Rainbow community; [resources for parents and caregivers](#) to support safe families and whānau; and resources to plan for ageing, [Ageing with Pride Aotearoa](#).
- **Workforce development:** extensive in-person and online training packages and supervision for those working with Takatāpui and Rainbow people in social services, health, education, justice and community settings.
- **Research:** community engagement research focused on the needs of Takatāpui and Rainbow communities. Our most recent research with the University of Auckland explores abuse of Takatāpui and Rainbow older people and will be released as part of the wider MSD *Prevention of abuse of older people* research programme.

Our language: Takatāpui is an ancient Māori term to embrace culture, spirituality, and connection to whakapapa. It has many meanings for iwi and hapū, traditionally meaning “intimate partner of the same sex.” In contemporary times Takatāpui has been reclaimed to denote all those with diverse sex characteristics, gender identities and expressions and sexualities as well as Tangata Whenua identity.

Rainbow is the umbrella term we use for sex, sexuality and gender diversity. We use Rainbow because it is recognised inside our communities, avoids listing English initials which leave out some identities, and allows for fluid diversity. In Aotearoa it can be inclusive of Māori, Pacific and ethnic identities.

Sex assigned at birth – all babies are assigned a sex at birth, usually based on visual observation of external genitalia. A person's gender may or may not align with their sex assigned at birth. **Sex characteristics** relate to bodies, specifically genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty. **Intersex** and **people with innate variations in sex characteristics** are both umbrella terms for people born with diverse sex characteristics.

Trans and non-binary people - an umbrella phrase for people whose gender does not match with the sex they were assigned at birth. **Non-binary** itself is an umbrella term for gender identities which are neither male nor female. People who are non-binary may experience their gender as always a combination of masculine and feminine; different at different times; or feel that neither masculine nor feminine describes them.

Summary

As an organisation with extensive expertise in research, community development, violence prevention and violence responses for Takatāpui and Rainbow people, including trans, non-binary and intersex people, we **completely reject** the Legislation (Definitions of Woman and Man) Amendment Bill. We find the reputed concerns that underlie this Bill disingenuous and extremely harmful to trans, non-binary and intersex people, essentially erasing them from law.

Despite its claims, this Bill does not align with current scientific insights from biology, endocrinology, genetics, neuroscience, and reproductive science which recognise that sex is not a simple binary. Instead, the Bill retreats to the Victorian British values imposed in Aotearoa New Zealand via colonisation, disregarding human diversity and fluidity.

We are also extremely concerned that the Bill is a Trojan horse to enable and increase mis- and dis-information about trans, non-binary and intersex people, and promote violence, stigma and exclusion. Based on similar legislation in the US, we expect, if this Bill is passed, to see an acceleration and expansion in attempts to restrict trans, non-binary and intersex people's lives and human rights, with related negative consequences for other New Zealanders who do not fit neatly into ideas of how women and girls, and men and boys, should look and behave. This takes us a long way from being the country proud of electing the first openly trans member of parliament, Georgina Beyer, in 1999.

Oversimplifying human diversity and essentially reducing New Zealanders to our genitals is not a step forward. This is a cruel, unnecessary piece of legislation that will increase violence towards trans, non-binary and intersex people. It is also a complete distraction from the most significant risks to the safety of cis women in Aotearoa New Zealand – family violence and sexual violence.

To replace this Bill and take real action to improve the safety of all women and Takatāpui and Rainbow communities, we would like to see the state focus on addressing family violence and sexual violence and their drivers, as clearly laid out in ***Te Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence, 2021***.

Impacts of colonisation

It is impossible to understand the context for Takatāpui and Rainbow people today without recognising the impacts of colonisation on whānau, hapū, iwi and Takatāpuitanga. For the first time in Aotearoa, men who were intimate with other men were criminalised in 1858, via the English Laws Act. The penalty for men who loved other men was death.¹ This and subsequent laws restricted the rights of Takatāpui and Rainbow people in a multitude of ways, and the disruption of tikanga has been described as trying to render Takatāpuitanga invisible.²

We believe this Bill further deepens the disruption of Takatāpuitanga, whakapapa and sense of belonging in whānau, hapū and iwi for Takatāpui. Victorian British values that drove colonisation in Aotearoa carry with them specific ideas about rigid binaries in sex categories (eg male and female); genders (eg man and woman); and related, sexualities (eg heterosexual and lesbian/gay). None of these aspects of being human are this simple.

We note fluidity of sexuality and gender identity are actively being reclaimed through decolonising efforts within Te Ao Māori.³ Māori and Takatāpui researchers have identified the ways in which colonisation imported interwoven concepts of race, gender, and class into Aotearoa New Zealand,⁴ and the considerable negative impacts on the wellbeing of Māori, including Takatāpui, whakawāhine, tangata ira tāne and other gender identities outside of western binaries.⁵

A report provided for the Royal Commission for Abuse in Care to uphold the voices of Takatāpui, Rainbow and MVPFAFF+ survivors similarly points to discrimination through the values imported to Aotearoa through colonisation underpinning the diverse forms of violence experienced in care by people in our communities.⁶

¹ <https://natlib.govt.nz/records/36179290>

² Dickson, S., Bennett, T., Bramwell, N., Brown, O., Cook, C., Divakalala, C., Fraser, B., Hickey, H., Matheson, L., Miller, K., Monise, M., Munroe, H., and Rodriguez, M., (2023). *Uplifting Takatāpui and Rainbow Elder Voices: Tukua kia tū takitahi ngā whetū o te rangi*.

³ See for example Kerekere, E. (2017). *Part of the whānau: The emergency of Takatāpui identity: He whāriki Takatāpui*.

⁴ Green, A., & Pihama, L. (Eds.). (2023). *Honouring our ancestors: Takatāpui, two-spirit and indigenous LGBTQI+ well-being*. Te Herenga Waka University Press.

⁵ Pihama, L., Green, A., Mika, C., Roskrudger, M., Simmonds, S., Nopera, T., Skipper H., & Laurence, R. (2020). *Honour Project Aotearoa*.

⁶ Moyle, P., (2023), *As a Kid, I Always Knew Who I Was: Voices of Takatāpui, Rainbow and MVPFAFF+ survivors*.

The Pākehā and Western, cis and binary shapes, forms and ideas that dominate our society marginalise those ‘other’ people who identify or act in ways other than those prescribed by the dominant norm. Both socially and legally, othering has gone beyond exclusion and ignorance, and reached the realm of visceral harm, hatred and abuse.

We also note recent research with Pacific communities identified 52% of participants as identifying with terms outside western gender binaries or Pacific indigenous terms, and 20% said terms such as cisgender, transgender and non-binary did not apply to them.⁷ Similarly, we note the fluidity of identity in South Asian countries and languages in which many identity words may encompass sex, gender, sex characteristics, and sex position at the same time.⁸

This Bill is aligned with Victorian British values, including western dominance, which do not reflect human diversity – or Aotearoa New Zealand in 2026. As such, the Bill compounds existing harm to Māori, Pacific and Ethnic Takatāpui and Rainbow people in particular.

Unscientific basis for the idea that there are only two sexes

The Legislation (Definitions of Woman and Man) Amendment Bill positions itself as challenging ideology and returning to biological reality, despite not explicitly defining what ‘biological human female’ and ‘biological human male’ actually mean. Perhaps this is wise. Rather than the simple, rigid binary that the Bill offers, up-to-date scientific insights from biology, endocrinology, genetics, neuroscience, and reproductive science clearly establish that sex can be more accurately represented as a spectrum, an “open range of possible ways of existence.”⁹

Intersex Aotearoa currently estimates that there are 40 different, recognised variations of sex characteristics, representing about 2.3% of the global population. In New Zealand’s 2023 census, 15,039 people signalled they knew they were born with a variation of sex characteristics.¹⁰ This is almost certainly an undercount, as many New Zealanders experience no need to investigate their own sex characteristics. For example, it is well documented that many athletes have discovered existing but previously unknown-to-them innate variations in sex characteristics during ‘sex testing’ for athletics events.¹¹ South African runner Caster Semenya is one well-known example: after testing

⁷ Thomsen, P., Brown-Acton, P., Manuela, S., Tiatia-Siau, J., Greaves, L., Sluyter, J. (2023). *The Manalagi Survey Community Report: Examining the Health and Wellbeing of Pacific Rainbow+ Peoples in Aotearoa-New Zealand*.

⁸ Bal, V. (2024). *Our Histories Are Queer: A Resource of Queer and Trans South Asian Histories*.

⁹ Rehmann-Sutter, C., Hiort, O., Krämer, U., Malich, L. and Spielmann, M. *Is sex still binary?* Med Genet. 2023 Aug 16;35(3):173–180.

¹⁰ Stats NZ | Tatauranga Aotearoa. (2025). *LGBTIQ+ population of Aotearoa New Zealand: 2023*.

¹¹ Nelson, M.B., (1996). *The stronger women get, the more men love football: sexism and the culture of sport*. The Women’s Press.

identified her innate variation, she was subsequently ordered to lower her natural testosterone levels to compete with other women athletes, despite natural testosterone levels varying considerably, with significant overlaps between men and women.

Variations in sex characteristics begin during the development of a foetus, caused by chromosomal variances (such as an extra X or Y chromosome); atypical levels of hormones; reactions to hormones, or other aspects of foetal development, resulting in physical sex characteristics that do not correspond with narrow ideas of female and male bodies. These differences are not necessarily visible in terms of external features.

This Bill distorts biological reality by forcing New Zealanders with innate variations of sex characteristics into binary categories – erasing their existence in legislation.

Denying the existence of trans and non-binary people

The Legislation (Definitions of Woman and Man) Amendment Bill also forces trans and non-binary people - 26,097 New Zealanders according to our last census - into a position in which their lived experience of gender is treated as irrelevant.¹² The Bill's supporters are clear that this is **an attempt to stop** trans and non-binary people being recognised as their gender. This means, for example, a trans woman who transitioned 50 years ago and is recognised as a woman in every aspect of her life, will be forced by this Bill to be treated in law solely on the basis of the male sex she was assigned at birth. She will be forced into male spaces and prohibited from participating in some social settings with other women.

Gender is the deeply felt internal sense of being masculine/male, feminine/female, a mixture of both, or neither. Gender expression refers to a person's presentation of gender through physical appearance – including dress, hair, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references. We utterly reject the idea that gender and gender expression are less real than sex assigned at birth.

Trans and non-binary people have been documented throughout every culture and society on the planet for thousands of years. Brief examples relevant to Aotearoa New Zealand include Dr Elizabeth Kerekere describing gender non-conformity from the 1300s in the story of Wairaka of the Mataatua people, who used karakia to 'make myself like a man' to protect the Mataatua waka.¹³ The acronym MVPFAFF was coined by Phylesha Brown-Acton (MNZM) to reflect indigenous terminologies for gender diversity within Pacific social, cultural and familial structures. MVPFAFF stands for māhū (Tahiti and Hawaii), vakasalewalewa (Fiji), Palopa (Papua New Guinea), faafafine (Samoa and American Samoa), akavaine (Cook Islands), fakaleiti or leiti (Kingdom of Tonga), and fakafefine (Niue).¹⁴ Similarly, Vinod Bal describes depictions of trans identities and gender diversity in temple carvings, poems, cultural mythologies and religious texts

¹² Stats NZ | Tatauranga Aotearoa. (2025). *LGBTIQ+ population of Aotearoa New Zealand: 2023*.

¹³ Kerekere, E. (2017). *Part of the whānau: The emergency of Takatāpui identity: He whāriki Takatāpui*.

¹⁴ Brown-Acton, P. (2014). *Strengthening Solutions for Pasefika Rainbow*.

across South Asia, including *Kamasutra*, written between 400 BC and 200 CE, suggesting gender diversity has been recorded in these cultures for at least 2000 years.¹⁵

This Bill distorts the documented histories and lived experience of trans and non-binary people by forcing trans and non-binary New Zealanders to be defined solely on the basis of the sex they were assigned at birth – erasing their existence in legislation.

Importing anti-trans ideologies to Aotearoa New Zealand

The Legislation (Definitions of Woman and Man) Amendment Bill is in direct contradiction to the recent, comprehensive report from Te Aka Matua o te Ture | Law Commission which documented extensive evidence of the need for increased protections from discrimination for trans, non-binary and intersex people.¹⁶ Given this, the driver for this Bill in Aotearoa New Zealand at this time is curious – until we examine global developments.

Two relevant reports from the Human Rights Commission | Te Kāhui Tika Tangata note the increased experience of hate-based rhetoric and violence towards Takatāpui and Rainbow people, driven by recent increases in mis- and disinformation.¹⁷ For example, before, during and immediately following the visit of British anti-trans activist Posie Parker in 2023, there was a measurable rise in volume and violent tone of anti-trans content in New Zealand’s social media. Researchers described this content as the ‘language of genocide’, in it’s vehement denial that trans people, especially women, have a right to exist. They identified that anti-trans content over this period was imported from foreign neo-Nazi channels and distributed widely by far-right groups through flooding New Zealand social media with anti-trans messages.¹⁸

Amnesty International UK has identified significant US influence in the funding and establishment of anti-rights groups in the UK. The biggest spenders are UK branches of US groups including Alliance Defending Freedom (ADF UK), who played a pivotal role in overturning Roe v Wade in the US and actively campaigns against women’s rights and Rainbow rights around the world.¹⁹

¹⁵ Bal, V. (2024). *Our Histories Are Queer: A Resource of Queer and Trans South Asian Histories*.

¹⁶ Te Aka Matua o te Ture | Law Commission. (2025). *NZLC R150. Ia Tangata Protections in the Human Rights Act 1993 for people who are transgender, people who are non-binary and people with innate variations of sex characteristics*.

¹⁷ Human Rights Commission | Te Kāhui Tika Tangata, (2020). *PRISM: Human Rights issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) in Aotearoa New Zealand - A report with recommendations* and Human Rights Commission | Te Kāhui Tika Tangata, (2024). *Conversion practices in Aotearoa New Zealand: Insights and recommendations from a human rights perspective*.

¹⁸ Hattotuwa, S., Hannah, K., and Taylor, K. (2023). *Transgressive transitions: Transphobia, community building, bridging, and bonding within Aotearoa New Zealand’s disinformation ecologies March-April 2023*. The Disinformation Project.

¹⁹ Amnesty International UK. (2025). [The anti-rights movement](#).

More recently, Amnesty International UK has released a companion analysis of ‘gender critical’ groups in the UK. These groups often frame themselves as protecting the safety of (cis) women and (cis) lesbians, framing which is often enthusiastically embraced by conservative organisations with histories of otherwise campaigning *against* women’s rights, and is part of the purported intent of the Legislation (Definitions of Woman and Man) Amendment Bill. However, the anti-trans objectives of ‘gender critical’ groups align closely with far-right groups, and they are rarely active on other issues relevant to women’s safety, such as family violence and sexual violence. Amnesty International UK identified 51 ‘gender critical’ organisations operating in the UK, 48 of which were established after 2017. Thirty-two groups are informal, 17 are registered companies (one now dissolved), and three are registered charities.²⁰

Similar research has not yet been carried out in Aotearoa New Zealand to our knowledge. However, in preparing this submission, we have been struck by some similarities. Anti-trans group Speak Up for Women is typically seen as a leader in the ‘gender critical’ arena in Aotearoa New Zealand, and they have been actively involved in seeking, supporting and promoting this legislation.

The [Speak Up for Women website](#) profiles twenty ‘gender critical’ groups active in Aotearoa New Zealand, including themselves.²¹ Of these groups, one is an Australian website; two are personal blogs (one based in Australia); two are Facebook pages; one a broken Facebook link; one a private Facebook group; one an X account; and three are links to YouTube ‘gender critical’ speakers in Australia and Aotearoa New Zealand.

The remaining nine groups offer funding information on their websites as detailed in Table 1 on the next page. Based on their own websites, and lack of appearance in the Charities Register under their organisation name, none appear to be registered charities in Aotearoa New Zealand, so are not regulated in terms of their funding or activities.²² Most actively seek public donations as their funding sources. One is a registered company in England and Wales ([Women's Declaration Australia and New Zealand](#)). Another two appear to predominantly operate or be based in Australia ([Save Women's Sport Australasia](#) and [Mana Wāhine Kōrero](#)).

²⁰ Amnesty International UK. (2026). *Like a snowball: the growth and impact of the gender critical movement in the UK*.

²¹ The Speak Up for Women website and related links were examined during 25 – 28 May 2026.

²² The Charities Register was searched during 25 May – 28 May 2026.

Table 1: Acknowledged funding sources of anti-trans 'gender critical' groups in Aotearoa New Zealand

Group and year formed	Funding information provided on websites
Speak Up for Women 2018	'SUFW is run entirely by volunteers and receives no public funds or funds from external organisations.' Seeks direct donations on website.
Resist Gender Education Unclear	'We are entirely run by volunteers and rely on donations from our supporters to continue our advocacy.' Seeks direct donations on the website.
Save Women's Sport Australasia Website copyright 2022	Seeks direct donations on the website and notes donations 'at this stage are not tax deductible.'
Lesbian Action for Visibility Aotearoa (LAVA) 1988, reformed 2020 with anti-trans focus	'LAVA is a group of lesbians committed to working for lesbian visibility and sex-based women's rights.' Seeks direct donations on the website.
Women's Declaration Australia and New Zealand Unclear	'Women's Declaration International (WDI) is a group of volunteer women from across the globe dedicated to protecting women's sex-based rights.' England and Wales Company Registration No. 12039415 Seeks direct donations on the website.
NZ Gender Identity Policies Unclear	No information about funding.
LGB Alliance Aotearoa NZ Unclear	No information about funding.
Women's Liberation Aotearoa Unclear	'WLA is a voluntary organisation and this website relies on member and supporter voluntary labour and donations.' Seeks direct donations on the website, but donation link states 'This organization can't accept donations right now.'
Mana Wāhine Kōrero 2021	'We are a not-for-profit non-government organization relying on the generosity and kindness of our members and supporters to fund our mission.' Seeks direct donations on the website. From the donations page, required check box: 'I accept & understand Mana Wāhine Kōrero (MWK) is not an officially (sic) registered charitable entity and I still want to proceed with a donation today.'

The impact of anti-trans rhetoric has been documented in Aotearoa New Zealand. Sources and volumes of funding support for 'gender critical' anti-trans groups in Aotearoa New Zealand are unknown.

Trojan horse for increasing violence

In January 2025, US President Trump signed an executive order titled, "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government." The central focus of this directive was the redefinition of the word "sex" to refer to biological characteristics "at conception," and as unchangeable.²³ In 2026, 778 anti-trans bills across 43 US states have been introduced, seeking to block trans and

²³ The Williams Institute, the leading research center on sexual orientation and gender identity law and public policy in the US: <https://williamsinstitute.law.ucla.edu/publications/impact-eo-redefine-sex-tbi/>

non-binary people from receiving basic healthcare, education, legal recognition, and the right to publicly exist. To date, 50 have passed, 70 have failed and 658 are still active.²⁴

Passing the Legislation (Definitions of Woman and Man) Amendment Bill risks setting up a similar avalanche of legislative and policy attempts to stop trans, non-binary and intersex people from safely going about their lives.

It is also unclear how supporters of this Bill believe ‘biological sex’ should be adjudged in everyday life. Are they proposing compulsory identity cards? Or physical tests before people can enter bathrooms, play sport, seek safety after violence? What would such tests include? Would they be applied to children as well as adults?

Our experience is that simplistic, unscientific ideas about sex and gender binaries lead to increased policing of *gender expression* in public life. This means that those not deemed ‘feminine enough’ are challenged when accessing women’s spaces, regardless of their biological sex. This includes violent targeting of some trans women and girls, gender non-conforming women and girls, and cis women and girls who are not feminine – regardless of their biological sex.

In addition, many trans, non-binary and intersex people express their gender in ways which do not align with their biological sex, including but not restricted to through accessing gender affirming healthcare. This is, after all, a key objective in transitioning. So trans men being forced into women’s spaces because they were assigned female at birth is likely to lead to being targeted for violence precisely because they will be experienced and treated as men.

We are very concerned that the Bill will lead to substantially increase violence, including legislative and policy harms, towards trans, non-binary, intersex and gender non-conforming people in Aotearoa New Zealand.

Substantial evidence of existing violence towards trans, non-binary and intersex New Zealanders

Te Aorerekura National Strategy to Eliminate Family Violence and Sexual Violence, 2021 states:

“Discrimination and stigma are drivers of violence towards LGBTQIA+ people – at home, at school and in the community. Discrimination causes us psychological distress and stops us reaching out for help.”

²⁴ The Trans Legislation Tracker is an independent research organization tracking bills that impact trans and gender-diverse people across the US: <https://translegislation.com/> accessed 28 May 2026.

In Aotearoa New Zealand, there is substantial evidence of discrimination and violence towards trans and non-binary people, and more limited but specific evidence of discrimination and violence towards intersex people. Both are outlined in depth in the recent issues paper and final report exploring the need for increased protections from discrimination for trans, non-binary and intersex people.²⁵

In brief, 44% of trans and non-binary people who responded to the most recent Counting Ourselves survey reported experiencing discrimination in the last year, more than double the rate reported by the general population (21%, from the General Social Survey).²⁶ This includes discrimination in housing, employment, public life, sports, education and healthcare, resulting in 77% of trans and non-binary people reporting high or very high psychological distress in this research.

The NZ Crime and Victims Survey (NZCVS) is a nationwide survey from the Ministry of Justice that asks people about their personal experiences of crime. Members of the public have only been asked about gender identity since 2022, so there is not yet granular reporting about the distinct experiences of trans and non-binary people in many areas. However, the Ministry of Justice reports that trans and non-binary people are 86% more likely to be targeted for interpersonal violence than cisgender people.²⁷

In pooled data across seven cycles from NZCVS, transgender people of another gender (13.3%) and transgender people (7.7%) report significantly higher rates of sexual violence in the last 12 months than cisgender women (2.9%) and cisgender men (0.9%). Data for family violence offences in the last 12 months is not available for all these groups due to sample size, but transgender people as a group (1.9%) report experiencing family violence offences at rates between cisgender women (3%) and cisgender men (1%).²⁸

In our recent research about victim-survivor experiences with NZ Police, trans and non-binary participants were three times as likely to say police made fun of them (21%) as women victim-survivors (7%). They were also much more likely to say that police involvement made them feel less safe and made their situation worse, and 38% of trans and non-binary participants said they were misgendered by the police when they tried to report family or sexual violence.²⁹

²⁵ Te Aka Matua o te Ture | Law Commission. (2025). *NZLC R150*.

²⁶ We acknowledge that a direct comparison of these figures is indicative only, as Counting Ourselves is taken from a snowball sample rather than being population level data. However, the very large sample size of 2,631 trans and non-binary people gives significant value to the findings. Transgender Health Research Lab. (2025). *Counting Ourselves: Findings from the 2022 Aotearoa New Zealand Trans & Non-binary Health Survey*. Te Whare Wānanga o Waikato | University of Waikato.

²⁷ Ministry of Justice | Te Tāhū o te Ture. (2024). *5 years of insights on crime and victimisation in Aotearoa*.

²⁸ Ministry of Justice | Te Tāhū o te Ture. (2025). NZCVS 2024 Sexual violence and family offences (Cycle 7) [Data set]. <https://www.justice.govt.nz/justice-sector-policy/research-data/nzcvs/nzcvs-cycle-7-resources-and-results/> This data set defines transgender people of another gender as adults who reported their gender as another gender other than transgender woman or transgender man.

²⁹ The Backbone Collective and Hohou Te Rongo Kahukura. (2024). *Make it about us: Victim-survivors' recommendations for building a safer police response to intimate partner violence, family violence and sexual violence in Aotearoa New Zealand*.

A government commissioned report in 2023 identified that Rainbow children and young people make up about 20% of the children and youth in the care of Oranga Tamariki.³⁰ Takatāpui and Rainbow children are more vulnerable to being targeted for family violence and sexual violence, often because they are breaking sexuality or gender norms and so are isolated and punished within families by parents or other caregivers and family members who do not support who they are.³¹

Children and young people with innate variations of sex characteristics may experience surgeries to ‘normalise’ their bodies (which is sometimes called medicalised rape) before they are able to offer informed consent, which are a human rights violation and may cause long lasting shame, distress, pain and trauma. The issues paper and final report from Te Aka Matua o te Ture | Law Commission detail research in Aotearoa New Zealand identifying children with innate variations of sex characteristics facing barriers to access to bathrooms and being teased and tormented at school. They also heard from healthcare providers and experts that non-consensual genital ‘normalisation’ surgeries often focus on making patients functional for penetrative sex as adults and enabling them to go through a form of puberty typical for their assigned sex.³²

We also recognise conversion environments within families, communities and statutory and faith-based institutions. Conversion practices and other negative experiences inside care and other state institutions occur for Takatāpui and Rainbow people across the lifespan, including people we have supported.³³ The Survivor Experiences Service, set up by the state in response to the Abuse in Care Royal Commission of Inquiry, recognise Takatāpui and Rainbow children, young people and adults as uniquely vulnerable in care. In addition to physical and sexual abuse, they identify the following:³⁴

We support people who have experienced different types of abuse, including behaviours that may not been seen as “traditional abuse”. This includes transphobic, biphobic, homophobic or interphobic microaggressions, neglect and alienation, loss of family and ongoing relationships, restraint and seclusion, lack of education, lack of privacy, loss of culture and cultural abuse.

³⁰ Oranga Tamariki Evidence Centre (2023). *Rainbow children in care. Understanding how Oranga Tamariki can better support rainbow children and youth*. Oranga Tamariki—Ministry for Children.

³¹ Dickson, S., Fraser, B. and Bramwell, N. (2021), *Healthy Relationships and Consent: Through the lens of Rainbow identifying youth*, Waikato Queer Youth and Hohou Te Rongo Kahukura.

³² Te Aka Matua o te Ture | Law Commission. (2025). *NZLC R150*.

³³ See Moyle, P., (2023), *As a Kid, I Always Knew Who I Was: Voices of Takatāpui, Rainbow and MVPFAFF+ survivors* and Dickson, S., Bennett, T., Bramwell, N., Brown, O., Cook, C., Divakalala, C., Fraser, B., Hickey, H., Matheson, L., Miller, K., Monise, M., Munroe, H., & Rodriguez, M. (2023). *Uplifting Takatāpui and Rainbow Elder Voices: Tukua kia tū takitahi ngā whetū o te rangi*.

³⁴ <https://survivorexperiences.govt.nz/for-survivors/lgbttiq-survivors/>

We consider the Bill is likely to exacerbate existing discrimination, violence and inhumane treatment towards trans, non-binary and intersex people within families and whānau, while accessing necessary services and in public life.

The safety of cisgender women in Aotearoa New Zealand

Aotearoa New Zealand has extremely high rates of family violence and sexual violence. *Te Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence, 2021* describes violence against women and children as the most common forms of violence. Attitudes and norms which support rigid gender roles enable both forms of violence.

One of the most bewildering aspects of the Legislation (Definitions of Woman and Man) Amendment Bill are the claims that it is driven by concerns about (cis) women's safety. To improve women's safety in Aotearoa New Zealand, the state should focus on preventing and safely responding to family violence and sexual violence. These forms of violence are predominantly perpetrated men that are known to the women they target - male partners/ex-partners, male family members or male acquaintances.³⁵ For example, the Family Violence Death Review Committee (FVDRC) examined all intimate partner violence deaths between 2009 to 2017 and identified 104 deaths, 97 of which were perpetrated by men. There is simply **no credible evidence** that trans, non-binary and intersex people pose comparable risks to (cis) women.

This leads us to conclude the Bill is disingenuous, and promoting anti-trans beliefs about (cis) women's safety through:

- failing to recognise the high rates of violence experienced by trans and non-binary people and people with innate variations of sex characteristics
- falsely conflating biological sex with violence, and treating cis women as more likely to be targeted for violence because of patriarchal ideas about their bodies, rather than identifying, addressing and reducing the patriarchal social values, institutions and laws which disempower women
- falsely conflating biological sex with violence, and treating trans women and transfeminine people as more likely to perpetrate violence because of the body they were born with – in other words, the presence of a penis
- suggesting men will 'pretend to be women' or order to access gendered services and abuse women. As noted above, this argument is astonishing. Levels of men's violence against women do not suggest that men need to access gendered services – most of men's violence towards women occurs in the home, or other places they are able to access women known to them.

³⁵ Morrison, B. & Davenne, J. (2016). *Family violence perpetrators: Existing evidence and new directions*. Volume 4 Issue 1: August 2016, The New Zealand Corrections Journal and Robertson, N. & H. Oulton, (2008) *Sexual Violence: Raising the conversations – a literature review*. A report prepared for Te Puni Kokiri and the Ministry of Pacific Island Affairs, Hamilton, University of Waikato.

Finally, in addition to the questions we have raised about lack of clarity over the source and volume of funding for ‘gender critical’ anti-trans groups in Aotearoa New Zealand, we wish to point to recent submissions to the Te Aka Matua o te Ture | Law Commission review of the need for increased protections from discrimination for trans, non-binary and intersex people.³⁶ Forty-two organisations clearly supported amending the Human Rights Act to better protect people who are trans, non-binary or intersex; 8 organisations opposed amending section 21 of the Human Rights Act to provide clearer protection from discrimination but supported other reform of section 21 (either to define the ground of sex or to introduce a new ground related to innate variations of sex characteristics), and 10 organisations opposed reform entirely.

Every women’s organisation with expertise in responding to family violence and sexual violence submitted **in favour** of increasing protections for trans, non-binary and intersex people. The National Collective of Independent Women’s Refuges (NCIWR) submission stated trans women were accessing women’s refuges around the country without negative consequences for other women escaping violence.

Table 2 below shows women’s organisations who submitted to Te Aka Matua o te Ture | Law Commission, and their views on this issue.

Table 2: Women’s organisations submitting to Te Aka Matua o te Ture | Law Commission³⁷

In favour of extending the Human Rights Act to include trans, non-binary and intersex people	Against extending the Human Rights Act to include trans, non-binary and intersex people
The Backbone Collective	Speak Up for Women
National Collective of Independent Women’s Refuges Represents 41 member Refuges	Save Women’s Sport Australasia
New Zealand Women’s Law Journal – Te Aho Kawe Kaupapa Ture a ngā Wāhine Trust	Lesbian Action for Visibility Aotearoa (LAVA)
Nelson Women’s Centre Te Whare Āwhina Mō Ngā Wāhine Puawai	Women’s Declaration Australia and New Zealand
Women’s Health Action	Mana Wāhine Kōrero
Shine	Women’s Rights Party
National Council of Women of New Zealand Te Kaunihera Wahine o Aotearoa NCWNZ is an umbrella organisation with 13 branches and over 200 member organisations .	Feminist Older Women Lobbyists
	Violet Spoon
	Lesbian Resistance Aotearoa

³⁶ Te Aka Matua o te Ture | Law Commission. (2025). NZLC R150. Submissions from organisations are available here: <https://www.lawcom.govt.nz/our-work/ia-tangata/tab/submissions>

³⁷ Websites for organisations are linked, where they could be found.

All women's organisations who submitted in favour of increased protections from discrimination for trans, non-binary and intersex people through extending the Human Rights Act:

- offer services or support to women – directly or as umbrella groups of many organisations
- have charitable status and are accountable for their funding sources and volume of funding
- have significant history, over time, of advocacy on a range of issues relevant to women – in the case of the National Council of Women of New Zealand | Te Kaunihera Wahine o Aotearoa, this history began in 1896.

The idea that the Bill is motivated by (cis) women's safety is simply not credible, according to women's organisations with expertise in supporting women, including after family violence and sexual violence.