

22 June 2020

9(2)(a)

Tēnā koe 9(2)(a)

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request of **Friday 22 May 2020** for:

- *When exactly, and with what evidence, did the Ministry adopt a policy that accepts male-to-female transpeople as women and therefore includes transgender women in the Ministry's brief? Please supply any policy papers, memoranda, minutes of meetings, correspondence, etc, relevant to this new policy.*
- *Has the Ministry undertaken social impact assessments of the consequences of accepting male-to-female transpeople as women, particularly in regard to women's sex-based rights to women-only safe spaces such as refuges, changing rooms, prisons, etc, and women's sports? If so, please supply any materials relevant to this.*
- *What consultation was carried out before this decision was made and with whom? Please supply evidence of any such consultation.*
- *Did the Ministry at any stage inform the New Zealand public, for example in its newsletters, annual reports or other communications, of this policy of accepting transgender women as women and therefore part of its work? If so, please supply relevant evidence.*

The Ministry for Women represents the interests of all women, including transgender women, and it recognises the right of all people to self-identify.

In doing so, the Ministry has considered New Zealand law and international conventions. In particular, we follow the legal definition set out in human rights legislation, which states that all people, regardless of their sexual orientation or gender identity, have the same human rights and freedoms. All sexual and gender minorities in New Zealand have these rights. This aligns with recommendations made by the United Nations Convention of the Elimination of Discrimination Against Women (CEDAW).

There is no exact date for when the Ministry adopted the above definition but it is noted in the Ministry's Statement of Intent 2018-2022 and Annual Report 2019, both of which are publicly available.

The Ministry has not undertaken an in-depth social impact assessment of accepting the right of all people to self-identify. However, we do not consider there is evidence that the rights of women are being damaged as a result of the right of all people to self-identify. Thank you for raising this issue. We will look at the situation internationally and in New Zealand to observe any significant impacts that arise.

The Ministry for Women has not undertaken any public consultation on the definition you have raised. The Ministry for Women has, however, responded to other official information requests with similar and related questions to yours, and these are published on the Ministry's website [here](#)¹. You might like to refer to them.

Official Information Act responses

As mentioned above, the Ministry publishes official information request responses on the Ministry's website. This response too, with your personal details redacted, will be reviewed in due course, for publishing. If you have any concerns or comments related to this, please let us know by emailing ministerialservicing@women.govt.nz, within two weeks of the date of this letter.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Renee Graham
Chief Executive

¹ <https://women.govt.nz/reports-briefings/published-official-information-act-requests>