

**Anti-trans
Campaigners
say**
Male pattern
violence

But the evidence says

There is no evidence that trans women perpetrate violence toward other women at a higher rate than other women do. Anti-trans groups may cite a study in which it was found that older trans women face high levels of imprisonment and arrest, however, one of the women who conducted this study, Cecilia Dhejne, explained that this study does not show “male pattern violence,” and that to say it does is a gross misrepresentation.

Women’s prisons

There are systems in place to minimise violence, including sexual violence, between prisoners housed together. Department of Corrections confirmed that it is prepared to make adjustments if the Bill should pass. Other countries with similar legislation have not reported any negative effect on women prisoners.

**Women’s
bathrooms/
refuges/spaces**

These do not require birth certificates to enter. Women’s refuges already allow transgender women and have for many years. They have evidence based processes and protections in place to ensure all women who enter are kept safe. They already protect women who are fleeing violent relationships with other women, where those abusive partners may seek to access the refuge by deception. No woman can enter a women’s refuge without legitimate need. Other countries with similar legislation have not reported any rise in sexual violence in women’s spaces as a result of the legislation.

**Men will pretend
to be trans
women and enter
women’s spaces**

There are no reported cases of men in NZ using the statutory declaration process to change the sex marker on their passport in order to “game the system” and sexually assault women. Trans women are already legally recognised as women and there have been no ill effects.

**Single sex
schools**

In Aotearoa, we have many co-ed or mixed gender schools, and students are considered safe attending these. There are currently single sex schools which accept transgender students.

**Data will be
skewed**

Transgender people make up just 1% of the overall population, therefore this is unlikely to have much bearing on data about women overall.

**No public
consultation**

The Bill has been through the same public consultation process as any other Bill, including public submissions, analysis of submissions, expert advice, and changes as necessary. Many of the anti-trans campaigners made submissions, which can be viewed on the government’s website.

Understanding the BDMRR Bill

self determination for transgender people

BDMRR stands for Births, Deaths, Marriages, and Relationships Registration. This is an Act in New Zealand law which sets out the legal requirements for, amongst other things, changing the name or sex marker on ones birth certificate, due to marriage, civil union, or being transgender, for example.

The BDMRR Bill is suggesting changes to this law, which will likely be decided in 2021. Some of those changes relate to updating the sex marker on a person's birth certificate.

What's the problem with the current situation?

Trans women are already legally recognised as women by New Zealand Law, and changing a sex marker on a passport is a simple statutory declaration process. However, in order to change the sex marker on a birth certificate, the law requires medical evidence and a Family Court process. This can be difficult, expensive, and is at odds with NZ policies for passports and other identification documents, as well as with international best practice for human rights.

This impacts most on those who do not undertake medical steps as part of their transition due to health, poverty, disability, religious beliefs, or other reasons, and for people waiting for medical treatments which can take many years to obtain. Some do not want medical treatments (eg. sterilisation), but may be pressured to have them in order to obtain accurate identification documents with their correct gender marker.

It also impacts strongly on those who don't know how to make a formal legal application to the Family Court, and can't afford a lawyer to apply on their behalf - which can cost up to \$3,000.



I'M A TRANSGENDER MAN, I USE THE MEN'S TOILET, I HAVE DONE FOR DECADES. BUT MY ORIGINAL BIRTH CERTIFICATE IS WRONG AND SAYS "FEMALE". THE BDMRR BILL COULD HELP ME TO HAVE AN ACCURATE BIRTH CERTIFICATE.

Why is it so important?

A birth certificate is the only document that someone born here can never have taken away from them. In some significant life events, it is the sole document that will be accepted as proof of identity, rather than a passport or other identification. For example, the gender marker on a person’s birth certificate is used on their marriage or civil union certificate, on their child’s birth certificate, and on their death certificate.

What are the benefits?

1. Meet international human rights standards.

New Zealand's policy for amending sex markers on passports, introduced in 2012, is often cited as one of the best in the world. In contrast, the current BDMRR Act provisions for amending sex markers on birth certificates, developed over 25 years ago, are outdated. They have not kept pace with international human rights standards, which set out each person's right to legal recognition, regardless of age. The current BDMRR Act does not meet the requirements set out in international case law or recommendations by United Nations bodies that monitor treaties that New Zealand has ratified.

2. Reduce costs and free up time.

Moving from a Family Court process to a statutory declaration will reduce cost barriers for irawhiti takatāpui, trans, and non-binary people and their whānau, and free up the court's time, and it would reduce the administrative burden on the health professionals who are asked to supply medical evidence for each application.

3. Support kids to be in school.

This would have a significant impact on children who live in an area with an unsupportive school, and are currently forced to wear a uniform they are uncomfortable with and use bathrooms that they are likely to be harassed in, as well as facing misrecognition or even harassment from authority figures. These children currently experience extreme distress and often simply leave school regardless of their age. Trans kids have exceptionally high likelihood of being bullied, self harming, and attempted suicide (40-61%).

4. Support adults to be in employment.

It would significantly impact adults who currently have to disclose being transgender to potential employers, and are often then discriminated against and denied employment, or outed to colleagues; resulting in curiosity, continual uncomfortable personal questions, and in many cases workplace bullying to the extent that the trans person can no longer work.

5. Basic privacy and quality of life.

Passing the Bill would make an important practical difference for irawhiti takatāpui, trans, and non-binary people's daily lives. It would support the basic human right to privacy in situations where showing a birth certificate is mandatory.

Would passing the Bill affect everyone else?

Passing the Bill would have very little impact on non-transgender people. Since 2013, NZ has used a simple statutory declaration for changing one's gender marker to M, F, or X, on their passport. A passport is used proof of identity in most circumstances. Several other countries have passed similar legislation over the past decade, without any negative impact on women's rights. These include Belgium, Portugal, Argentina, Norway, Malta, and Ireland.

Get the facts: visit our website genderminorities.com and type in the search "BDMRR"

Is an anti-trans campaign group trying to recruit you?

An anti-transgender campaign group will often try to disguise its motivations, by saying it is a women's rights group, or a feminist group. However, it does not usually engage in any women's rights issues, unless the issue can be used to fight against the human rights and legal protections of transgender people, or sometimes women in sex work. Far from a group FOR women, it is a group AGAINST transgender women.

Anti-trans Campaigners say

Women will have less rights

But the evidence says

The Convention on the Elimination of all Forms of Discrimination Against Women (a United Nations treaty), firmly affirms that transgender women are protected as a sex class. This right to be protected from discrimination on the basis of sex does not detract from any other person's right to non-discrimination on the basis of sex. This is already the case in NZ, and the Bill will not change this. All women will continue to have the same right to not be discriminated against on the basis of their sex.

Male privilege

Both international and local research consistently and constantly shows that transgender women experience higher rates than non-transgender women of discrimination in education, housing, healthcare, employment, access to justice, legal documentation, higher rates of violence including sexual violence, higher rates of street harassment, and other indicators of a lack of privilege. No studies show the opposite. This is not what male privilege looks like.