

To the  
CSW Communications Procedure  
Human Rights Section  
UN Women.

We need to keep 'Woman' meaning 'biological woman' – i.e. Adult Human Female - and we need to clearly separate the use of the category SEX and the category GENDER because Lesbian Feminists know that the legal promotion of 'gender' increases women's oppression.

Currently in Aotearoa (N.Z.) the differentiation of sex and gender is not happening so women's human rights are being violated which is affecting the status of women, in particular, lesbian women, because men who identify as women are stopping biological women from assembling in biological women's and lesbian's spaces and groups.

This problem is having its effects everywhere: on 'Anime', at schools, in cafes, and in decisions made, for example, by political action groups, in Parent's groups, Government Departments, N.G.O.s, Birthing support groups, and city councils.

We need groups and spaces for biological women who are 'coming out' as sexually attracted to biological women to feel supported, comfortable, safe, and to have fun.

Fun, safety, support, companionship and freedom of opinions, expression and assembly for biological women as part of our human rights, or not?

Here are some examples of the support that lesbians may seek when 'coming out':

**1. Friends/family/neighbourhood/community;**

Some biological women who have already - or are 'coming out' as - sexually attracted to biological women have always and will continue to get fun, safety, support, and companionship from their existing people/friends/family/neighbourhood. This needs to be legally possible if our human rights to freedom of opinion, expression and assembly are not to be violated.

**2. People who are same-sex attracted, a marginalised group in our culture;**

Because homosexuals are still a marginalised group in our culture some biological women who have already, or are 'coming out' as 'sexually attracted to biological women' will look for fun, safety, support, and companionship from groups of other gay men and women i.e. because of our culture's and their own personal homophobia they will join their group of marginalised people: homosexuals. This needs to be legally possible if our human rights to freedom of opinion, expression and assembly are not to be violated.

**3. Biological Women sexually attracted to other biological women, lesbians, once again a marginalised group in our culture;**

Similarly we live in a sexist society which as biological women we have needed to deal with daily throughout our lives as well as learning about our own sexism and the sexism of male friends, including gay men. So, for biological women who are dealing with homophobia and sexism ... we need to be able to meet simply with other **biological** women or lesbians – **biological** women sexually attracted to other **biological** women. This needs to be legally possible if our human rights to freedom of opinion, expression and assembly are not to be violated. Lesbians are not attracted to the heterosexual men who identify as both women and as lesbians, and who have not had any surgery to remove their male genitalia. These heterosexual men claim that their penises are “female penises”, and that sexual intercourse with them would be lesbian sex: They consider lesbians who refuse this as “transphobic”. They also consider those of us (**biological** women and lesbians) who do not want them at lesbian events - as transphobic. These views erase lesbians and lesbianism, as same-sex attracted biological women. Some biological women who have already - or are ‘coming out’ as - sexually attracted to biological women will continue to look for fun, safety, support, and companionship from groups of **biological** women who feel like them, i.e., lesbians. This needs to be legally possible if our human rights are not to be violated.

#### **4. People who are not attracted to other people because of their sex;**

Plus we all need to work out how our same-sex (homosexual) or other-sex (heterosexual) attraction fits with people who are attracted to ‘personalities’ (rather than a sex), gender (rather than a sex) and bi-sexual people. The idea that sex may always be unimportant has many implications to learn about. For example, some people think that Same-Sex Attraction (homosexuality) is transphobic. Presumably those same people would think that Other-Sex Attraction (heterosexuality) is also transphobic. So, for each of these situations we need different options available to gain our learning safely from with support, companionship, and fun ... e.g. Rainbow and LGBTQ communities.

So we need a variety of spaces and groups to venture into: lesbian only spaces, gay spaces, LGBTQ spaces and our family, friends, neighbourhoods and communities. Only then can we all have places that don’t, for example, discriminate against us as women and violate our human rights to gather safely with people for support, companionship and fun.

#### Context - relevant background information:

However, in New Zealand we **biological** women, and particularly lesbians, are being stopped from having the choice of Lesbian-Only, **biological** Women-Only, and Gay-Only places to gather because any man who says he is a Woman, i.e. the other sex, is considered to be a woman (by both the Ministry of Women and the Human Rights Commission here in NZ). When **biological** women then object to this being made even easier by law ... those women’s human rights are being discriminated against because we cannot assemble together as lesbians.

Here is an example of lesbians being discriminated against by being excluded from LGBTQ events because they believe that Sex and Gender are different: I belong to a group called Lesbian Action for Visibility in Aotearoa (LAVA) which believes:

- Lesbians are same sex attracted, not same gender attracted: Sex and gender are different.
- Young lesbians are facing pressure to transition because of their gender non-conformity.

- Lesbians want to both enjoy women-only services and lesbian-only spaces as well as being included in the diverse Rainbow Communities' decision making.
- N.Z.'s Human Rights Act protects lesbian rights, while the Human Rights Commission is undermining them.

The group I belong to had an agreement with the organisers (Wellington Pride) of our community fair (Out in the City) to display a map and posters to the public at the Michael Fowler Centre (our townhall) in Wellington, Aotearoa (N.Z.) on March 7<sup>th</sup>, 2021: It would have been inspirational to younger and new lesbians. The space for LAVA's display was cancelled because of LAVA's beliefs and because LAVA, as a group, had also spoken out against people in Aotearoa (N.Z.) being able to change their sex designation on their birth certificates even more simply than we can at the moment. LAVA spoke out about this because this would make it even easier for our human rights as biological women to be discriminated against: Men are not allowing us to have biological women-only and lesbian-only events and spaces.

The Ministry for Women and the HRC should be the two departments that look after the rights of Women in Aotearoa (N.Z.): They are not.

Here are the dates and circumstances of this particular violation:

"Wellington Pride prevented our group from taking part in Out in the City event at the Michael Fowler Centre (our townhall) in Wellington, Aotearoa (N.Z.) on March 7<sup>th</sup>, 2021.

We are members of Lesbian Action for Visibility in Aotearoa (LAVA) which has recently been revived after a hiatus of about 20 years because of a perception that lesbians are disappearing in large part because of homophobia. Much of this homophobia is currently coming from Trans Activists who say that Same Sex Attraction is Transphobic.

We have outlined a timeline of events below which describe a serious instance of discrimination against us at the Wellington Pride Out in the City Event an annual occasion that LAVA and lesbian members of LAVA in earlier years have been core members and organisers of.

We note that Wellington Pride has a history of discrimination against lesbian groups. A lesbian group was also banned from Pride in 2019 on the basis of the same kinds of vague and unsubstantiated claims as in 2021.

The 2019 incident happened to a lesbian group called Lesbian Rights Alliance Aotearoa. The overview of their incident is:

Our lesbian group has been banned from Pride.

We are a group of lesbians in NZ who want to create positive pro-lesbian spaces and politics. It's Pride Month in Wellington and as a part of that Out Wellington Inc. hosts a fair called Out in the Park. We had our place at the fair confirmed in early February so we've been planning on attending for some time. We were excited to go along and show that it's okay to be a lesbian and proud, but instead we've been banned because our kaupapa is not "inclusive" enough. Festival directors Drew Hadwen and Karen Harris emailed us seemingly out of the blue rescinding our stall and invoice. They said that because they "welcome all people, groups and organisations who want to join with us to celebrate the amazing diversity and creativity in our LGBTIQ+ community" they can not have our lesbian feminist stall or "presence" at Out Wellington Inc. organised events. We have written to Wellington City Council Mayor Justin Lester asking for a meeting to discuss whether he supports City Council funding going towards events that discriminate against lesbian's unclear whether the email and public comments telling us our presence is "not allowed" are supposed to serve as a trespass or warning. We have emailed Out Wellington Inc. to clarify whether we are (or might be) trespassed from Out

in the Park for simply showing up. They have yet to reply.

We are far from the only lesbian feminists excluded from queer events and politics. Last year, lesbians were excluded from the Dyke March in the name of inclusivity in Canada, Argentinian lesbians put out a communiqué discussing lesbian exclusion from queer politics, and in the UK lesbian feminists continued to be 'no-platformed' and vilified for supporting lesbian rights.

☹☹☹

In positive news, we are hosting our own lesbian only event in Wellington next week to look forward to. Apologies for the late notice, that appears to be in vogue. We hope some of the women on our email list will be able to join us!

Notes:

Our group was honest and transparent in our application. We applied with our names, as The Lesbian Rights Alliance Aotearoa and said we are "a new and growing lesbian group and we are starting to expand our events and social activities in Wellington."

Our application was accepted and our attendance at the event was publicly announced on the Out in the Park Facebook page.

Our kaupapa has been publicly available online since 6 June 2018.

The N.Z. Police, Department of Corrections and Young Nats will all have stalls at the event.

<https://lesbian-rights-nz.org/2019/03/14/getting-the-l-out-of-the-park/> Retrieved 31/07/2021

The 2021 incident violates our chance to inspire lesbians in 2 ways:

- The initial cancellation of a contract to attend and display an installation of Lesbian History in Wellington i.e. not allowed to assemble with others at our fair.
- A co-ordinated and aggressive picket supported and endorsed by members of the organising committee of Pride Wellington as evidenced by Social Media posts to interfere with our freedom of expressing our opinions.

Our complaint is made on both the grounds of:

- Discrimination against lesbian women on the basis of our sexual orientation to women. The women were all lesbians and were prevented in taking part in, assembling at, an event that is for the LGBTQIA or Rainbow community of which lesbians are a part.
- Discrimination on the basis of political views because the lesbians who were discriminated against were likely discriminated on the basis of our political views although the basis of these is unclear i.e. we can't express our opinions.

We note that on it's website Pride Wellington states:

*At Wellington Pride Festival, we pride ourselves on:*

- **Diversity**
- **Accessibility**
- **Honouring Te Tiriti o Waitangi**

***We acknowledge that pride is political.***

***With that, as representatives of our LGBTQIA+ community, we are committed to engaging in conversations about intersectional justice - the 'hard' conversations.***

***We always aim to do so in a peaceful, productive manner — both with our people, and on behalf of them — ensuring safety and representation for all. (emphasis added)***

**Sequence of events**

- 2020 LAVA reformed

- LAVA identified that the word “woman” has been redefined by the Ministry of Women (and other departments across government) and that sexual orientation has been redefined (against the meaning and intent of the law) as same gender attraction
- A large group of lesbians from LAVA as well as other lesbians decide to make an installation to be displayed at PRIDE 2021 in the Michael Fowler Centre. The intent was to recall the extensive history of lesbian organising in the city. Australian Lesbians are involved in a similar project titled [Lost Lesbian Space around Australia](#)
- It involved a map of the city with markings to show where notable lesbian venues and events had been in the city and the display included posters, the map with links to information about and stories from the 1960’s, 70’s, 80’s and 1990’s demonstrating the vibrant lesbian communities that were in Wellington during that time.
- A leaflet was developed to deploy for various uses asking people to consider some aspects of the situation in relation to transgender ideology and the situation of lesbians and gay men.

Some members of LAVA had noted the way in which:

- The Ministry for Women has redefined woman to be an inclusive term despite the lack of notification, policy work or consultation.
- Girls and young women are being encouraged to transition to male often due to homophobia. Many of the girls are reported in international research to be autistic and traumatised and the NZ medical practice advises that autism and pre-existing mental health conditions are no bar to receiving gender change treatment.

Hilary on behalf of LAVA lesbians booked a stall at the Wellington Pride event and the booking was accepted.

LAVA held a protest at the Ministry for Women on International Women’s Day, March 8 2021, to protest the redefinition of women. When people went past our protest we said things such as “Women’s Rights because of our Biology: WHAT we are ... Not HOW we are”. The leaflet was distributed at the demonstration and bill-boards were displayed saying:

- *Protect gender non-conformity. Say No to Sex Self-I.D. on Birth Cert.*
- *Sex can’t be changed. Protect Gender non-conformity & our youth.*
- *Don’t trans the gay away*
- *Woman = Adult Human Female*
- *Protect Women’s Rights, Spaces, Safety & Statistics. Say No to Sex Self-I.D. on Birth Certificates.*
- *Our Sex = Biology = Who we are. Gender = Expression = How we are.*
- *Female is not ‘a feeling’. Don’t skew data. Biology is a fact.*

Without any prior notification or consultation (i.e. no “**engaging in conversations**”) Hilary Oxley received, on behalf of LAVA lesbians’, notification that the booking was cancelled. The text of the letter said:

*Vivian here- Chair and Festival Director of Wellington Pride Festival Inc.*

*While I understand that exchange of stall conversation has taken place however, the concerns which have been raised from community members in particular around your organisation’s display outside the Ministry for Women which concerned the community on your organisation being trans-exclusionary is highly concerning for us.*

*Wellington Pride Festival intends to always support the most marginalised of the marginalised including our transgender whanau and the extreme marginalisation they face on the daily. (sic)*

*We believe that any organisation involved in the Pride Festival should be standing side by side by our most marginalised in our communities.*

*This has gone beyond a contractual conversation but rather a safety conversation for our transgender whanau. As Chair and as a committee- we are committed to providing safer spaces for the community/ies.*

Following this a letter to the Pride Wellington organising committee was sent ahead of the event asking that the organisers meet us to discuss the reasons for the cancellation.

Some members of LAVA and other lesbians attended outside the event and displayed the display of map and old posters. Their intention was, as originally intended, to promote Lesbian Visibility and to inspire lesbians by showing local lesbian events from our herstory.

As part of our lesbian visibility we were ensuring that attendees were aware of the withdrawal of the contract to attend the event and to draw attention to the discrimination against lesbians. It is evident that some event organisers were instrumental in ensuring that a vocal and aggressive protest (including violent threats against this peaceful event) was orchestrated, coordinated and encouraged by organisers of Pride Wellington.

We were advised before we got there that they had organised there to be 'trans women' out the front looking out for when we arrived. Before the display of the map even began lesbians at a stall inside the fair were told they had been transphobic just because, it would appear, they were talking to Hilary Oxley, the organiser of the map display. Various social media postings were made that were discriminatory and hateful towards the lesbians from LAVA further embedding the damage that the group had incurred by being cancelled. Attendees were encouraged on social media by officials of Wellington Pride to mount a protest at which threatening and intimidating behaviour and verbal threats were made.

#### **Attachments**

- The initial booking
- The cancellation letters
- The letter of protest about the cancellation
- Pictures of the installation.
- Images of the protest placards at the Ministry for Women
- Images of the picket at the Michael Fowler Centre
- Electronic Copy of the leaflet that was distributed.
- Evidence that the picket of women from LAVA was orchestrated by Pride Wellington

As a lesbian group seeking to take part in an event of our community our application was accepted and then cancelled because we are a group that speaks up for biological women who are same-sex attracted: Lesbians. We were not included – presumably unless we agree that gender overrides sex. Wellington is a part of the Rainbow community whose mantra, as outlined above, is diversity and says they are willing to engage in the 'hard conversations'."

Our human rights as lesbian women would not be so easily and frequently violated if biological Sex and Gender were clearly delineated in law.

From,



Hilary Oxley. [thespacemaker@inspire.net.nz](mailto:thespacemaker@inspire.net.nz)

Below are copies of 12 pieces of documentation relating to the 2021 example of lesbian women being stopped from expressing our opinions while assembling at our community's fair;



handouts at vinegar hill



Original



placards March 8th



Response-to-Pride-



Withdrawal of LAVA space booked



