Voices:
talking about sexuality, gender and human rights in Aotearoa New Zealand

Family Planning International & New Zealand Human Rights Commission

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Contents

Acknowledgements

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The particular individuals who participated were invited to do so because each is a community activist or leader working daily on issues of sexuality and gender. Participants came from organisations such as the National Collective of Independent Women's Refuges, Family Planning International, the Human Rights Commission, the National Network of Stopping Violence and the New Zealand Prostitutes Collective. Comments made by participants represent their personal and professional reflections on their work and everyday life. The comments contained in this document do not necessarily represent the view of the participant's organisations.

The dialogue also puts into action one of the recommended actions of the Commission's inquiry into discrimination experienced by transgender people, *To Be Who I Am: Kia noho au ki tōku anō ao* (2008): to increase the positive visibility of transgender people and dialogue about their human rights.

Executive Summary

Few New Zealand human rights advocates are publishing articles about sexuality, gender and human rights. The issues of sexuality, gender and human rights remain socially and politically contentious. Nuanced discussions of gender have been overtaken by simplified debates about relations between the sexes. Global thought and action on sexuality, gender and human rights is constantly changing. Changing local contexts and debates are both reflected in and influenced by international developments. But where are the spaces in which these influences and changing contexts are analysed and critiqued?

The dialogue created a space for a small group of people with an interest in sexuality, gender and human rights to come together to discuss the current context, from global to local, from theory to practice, and from personal to societal.

Talking together we found that:

- gender, sexuality and human rights issues surround us every day
- our ideas about sexuality and gender are informed by our unique cultures
- issues of power and gender are being overlooked and watered down
- a 'rights based approach' or reference to a human rights framework provides opportunities for progress
- relationships between civil society and government have changed over time
- we have a mix of ideas and languages that are diverse - sometimes converging, at other times diverging.

Four themes emerged from this dialogue:

1. Human Rights
2. Gender and Power
3. Culture and Identities
4. Advocacy Relationships

We hope that sharing the ideas and thoughts about these issues contributes to wider thought and action. To quote one of the dialogue participants:

> *How do we link the local to the global? How do we consciously reflect on our action internationally and use this to inform our work here?*

We will continue to ask ourselves these questions. What do they spark in you?

Introduction

Many of us work in areas that mean we are constantly immersed in issues of gender, sexuality and human rights. In our daily working lives we are often too busy to stop and think. But we have a great deal to share, learn and benefit from the practice of taking the time out to reflect and discuss our daily dealings with gender, sexuality and human rights issues.

This dialogue focuses on contemporary discussions about sexuality, gender and human rights. The aims of the dialogue were to:

- create a new space for critical reflection
- share critique of strategic issues
- build networks and relationships by identifying the differences, commonalities and challenges that advocates face when working on sexuality, gender and human rights
- link the local with the global, and the global with the local
- share strategies for rights affirming change
- compare these thoughts and ideas, and put them into a publishable format in order to inform and inspire others.

We wanted to offer a dialogue space for individuals from organisations that work in areas where issues of sexuality, gender and human rights intersect, converge and diverge. We wanted to create an opportunity for ideas and concepts to emerge from a structured conversation. This document is a summary of these ideas and concepts. It is a beginning, and we hope that others might take the dialogue model and use it in their work, and hopefully share the results.

Prior to the dialogue session, some participants knew each other, but this was the first time they had come together to focus on sexuality, gender and human rights, and to critically reflect on current issues. All were given three questions to reflect on before the dialogue and met together informally beforehand to prepare. The session was recorded and the conversations were transcribed.

This dialogue model allowed us, a group of non academics, to capture our reflections as practitioners working in the sector. During the dialogue, four distinct themes emerged:

1. Human Rights
2. Gender and Power
3. Culture and Identities
4. Advocacy Relationships

We have used these themes to structure this document. But to set the scene, we first begin with a short introduction to dialogue in the context of social movements and a brief outline of some of the language we used. We conclude with a section on movement building.

Dialogue in the context of social movements

This is about connecting and I think that's how we change the world ... We need to work together.

We need to intensify the discussion because we have such extraordinary experience locally, regionally and internationally. But we do very little conscious reflection of that experience and that doesn't feed into development of ideas and practices at our universities or elsewhere...we could do much better and that could inform the society that we're building and trying to live here in Aotearoa.

I found a great quote from Margaret Wheatly from the Berkana Institute:

We can change the world if we just begin listening to one another again. The great social movements always begin from the simple act of friends talking to each other about their fears and dreams and that the world changes as networks and relationships form among people who share a common cause and vision of what's possible.

And I think these sorts of conversations hold that seed.

Human rights bring us together through our shared humanity. Equality, dignity and security are fundamental human rights but these cannot be enjoyed in isolation.

Dialogue is a tool which can bring us together and with which we can build movements for the promotion and protection of human rights. Creating a space for dialogue means that human rights issues can be analysed, current contexts considered and strategies for progress critiqued.

In this way, the dialogue assists in building social movements by improving practice and connecting advocates in new and deeper ways. This publication provides a brief summary of the dialogue. By making this available, the dialogue hopes to contribute to others' thinking and action, and to the process of wider social movement building.

How do we link the local to the global? How do we consciously reflect on our action internationally and use this to inform our work here? I constantly struggle with that ...

Talking Sexuality and Gender

What I want say about sexuality and gender is there remains huge confusion around gender issues and sexual orientation issues and the two are often mixed up both amongst clients and then in the big picture at government level.

Participants aspired to a common language acknowledging that meanings of gender and sexuality are not only contested but also change over time and from place to place.

For the reader's reference, some definitions of terms are listed below.

Gender: the economic, social and cultural attributes and opportunities associated with what it means to be a man or a woman including roles, expectations, and behaviour.

Gender identity: a person's own sense of being male or female (or something other or in between). A person's gender identity may or may not correspond with their sex.

Intersex: a general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not seem to fit the typical biological definitions of female or male. Some people now call themselves intersex.

Sex: a person's biological make-up (such as their body and chromosomes), defined usually as either "male" or "female" and including indeterminate sex.

Sexuality: the sexual knowledge, beliefs, attitudes, values, and behaviours of individuals. Its dimensions include the anatomy, physiology, and biochemistry of the sexual response system; identity, orientation, roles and personality; and thoughts, feelings, and relationships. The expression of sexuality is affected by ethical, political, spiritual, cultural, and moral influences.

Sexual orientation: a person's sexuality relative to their own sex, usually defined according to the sex or gender of the people an individual finds sexually attractive. Sexual orientation is usually categorised as: • homosexual (directed at the same sex); • heterosexual (directed at the opposite sex); • bisexual (directed at both the same sex and the opposite sex).

Gay: homosexual/same-sex attracted women and men, but is more often used in relation to men.

Lesbian: homosexual/same-sex attracted women.

Transgender: a general term to describe a person whose gender identity is different from their physical sex at birth.

Transsexual: a person who has changed, or is in the process of changing, their physical sex to conform to their gender identity.

Takatāpui: an intimate companion of the same sex. Today used to describe Māori gay, lesbian, bisexual and trans people.

Whakawahine, Hinehi, Hinehua, Tangata ira tane: some Māori terms to describe trans people, which are best understood within their cultural context.

Fa'afafine (Samoa), Fakafafine or Fakaleiti (Tongan), Vakavaine (Cook Islands), Mahu (Tahiti) - unique Pacific Island cultural identities which exist beyond traditional male and female genders.

Dialogue Themes

1 | Human Rights

… a really clear sense I've got from the discussion is that all of us are actually seeing sexuality, gender and human rights issues

In New Zealand sexual and reproductive rights are contested, but related discussions are not usually framed as rights issues - often they are framed as health issues.

Sexual rights include the right to exercise and express sexuality freely and safely, to be protected from sexual violence and discrimination, to be in charge of decisions about one's own body, to have access to information and services necessary for sexual health, and to experience sexual pleasure.

Despite this rights affirming framework, participants felt that sexuality was generally presented in a negative light. The transition from a population control model to a human rights model is by no means complete and the approach adopted in a particular context, or to a particular issue, is influenced by social, economic, cultural and political considerations.

Sexual health, particularly that of young people, is frequently portrayed negatively, and levels of transphobia and homophobia remain high. Four out of five submissions to the Human Rights Commission's inquiry into discrimination experienced by transgender people highlighted discrimination against diverse trans people and intersex people.

Examples of current sexuality, gender and human rights issues included: high profile media cases such as criminal trials of Police officers for rape and sexual assaults; the related commission of inquiry into police conduct; daily media reports of rape and sexual assaults; the creation of the sexual violence taskforce; and issues of family violence. But in wider society the quality of discussion about sexuality, gender and human rights is viewed as lacking.

> *[These current issues] raise really fundamental issues about how men and women actually relate to each other sexually … what is acceptable and what isn't and it's really hard to get to the values that underpin those debates in ways that affirm what's good about them and challenge what is problematic about them.*

Continued medicalisation of HIV, intersex conditions and 'gender identity disorders' raise significant human rights issues.

> *I'm wondering now, with the tragedy of HIV, whether we've kind of re-formed the numbers and risk groups in a sort of traditional medicalised population health approach to disease. So it's kind of focused on the incidence rates, the prevalence rates etc. [rather than a rights approach].*

> *The reductionist problematising approaches as opposed to a more fundamental structural human right approach… We've kind of lost that sense of discussing sexuality and sexual relations and gender in terms of wellness and positive aspects. We are always talking about the problems.*

Sexuality and gender are also pervasive influences on sexual and reproductive health and rights for young people.

> We've been constantly vigilant [watching] anything that comes up to challenge women's sexual autonomy, women's reproductive autonomy and it's the same with young people and there are constant challenges around issues that require parental consent, ensuring confidentiality of services, and ensuring they can access contraceptives...

Participants observed that because poverty, housing and lack of resources were significant issues for diverse groups, these issues were priorities over issues of sexuality and gender.

> Poverty is a key indicator that makes [talking about human rights] hard. When you are talking about poverty and you talk about human rights, it's kind of like 'human rights are a luxury, the basic needs are not'. But freedom from poverty is a fundamental human right.

> Sexuality is also seen as a luxury and people say 'all that stuff' we'll deal with it when we've dealt with issues of poverty, whereas in fact they're interconnected and fundamental.

The dialogue highlighted a need to understand sexuality and talk more about interconnections.

> It's that sexuality safety. You know for me to learn about other people's sexuality I must learn and appreciate my own sexuality. It's about learning that sexuality is part of who I am as a person because there's a tendency to that fragmentation ... I like to put sexuality issues: to really bring it to the fore ... and really take the conversation to the next level.

At a global level, countries and states with differing ethical, political and religious perspectives on gender and sexuality have led to differences and conflicting interpretations of international human rights agreements with resulting global tensions.

> I would say, I would echo others, that sexual and reproductive health rights are a geopolitical battleground for the major players.

Participants felt it was crucial to understand that sexuality, gender and rights issues are being contested internationally because those contests were also affecting New Zealand.

 This could be seen in the public debate about repeal of section 59 of the Crimes Act 1961 (which provided for the use reasonable force to discipline a child), or the Civil Union Bill and Prostitution Law Reform Act. In each case social debates were influenced and nurtured by international discussion on both sides of the debates (and sometimes internationally funded also), which in turn then contributed to the global debate. These influences were seen in the media:

> And I also think that the media, the New Zealand media's influenced by the global corporatisation of media, and the sensationalism, I think that has had a huge impact on how issues of sexuality and gender are represented in our media and how that then influences New Zealand's thinking.

How far have we come with human rights as a basis for advocacy? Some participants felt that New Zealand was no longer at the cutting edge of human rights thinking or contributing on the international stage.

> The formal discussion about human rights issues and learning about human rights and developing human rights ideas and so on is pretty poor in this country; we are getting further and further behind other countries.

While some academics, activists and advocates talk about gender and sexuality, very few look at these and aspects of identity from a human rights perspective. Little is being said about a human rights based approach and, where it is, theory tends to be distanced from practice.

> I think fundamentally there's lack of human rights analysis or a discourse that puts an analysis on the issues and actually articulates a way forward.

However, participants felt that conversations about human rights were gaining currency. The challenge is to foster and feed the conversations to embed human rights thinking in our day to day responses and organisational practice.

> Although it's in our mission statement we've still got a lot of work to do in terms of filtering [human rights] down into the movement and get them thinking about human rights.

> What is it about change? The Family Planning Association is one area: in the 1980s this would be the last group you come to because it was very heterosexist. Their whole philosophy was about heterosexual couples ... Somewhere along the line [they changed] and now we are sitting with Family Planning. What happened [that] has made it more inclusive?

There are challenges with the complexity of the human rights framework and keeping up with developments. Human rights instruments, agreements, legislation and structure are complex and sometimes it is difficult to tease out what is relevant to our every day practice. This adds to the challenge of converting theory into practice.

In contrast, some participants noted that their international development work, specifically in sexual and reproductive health, was very much informed by a human rights based approach.

> *We were actually formed to advance a global agreement on population development (ICPD) and this agreement moved the sector away from hard technical data, like fertility rates and birth rates, to a rights approach to women's empowerment and youth sexual and reproductive health, and with the sexual and reproductive health of all really.*

The extent to which a human rights approach was being used across government for complex social issues, such as violence, is unclear. So, too, was the value or status government departments see in adopting such an approach. Experience suggests agencies may not necessarily want to consider the advancement of human rights.

> *...but just pick up on the thing on the dollars and power. From a health perspective, you're not going to use the argument as a human rights issue you know, you use the issue of disparities because you know that will bring you the dollar to fund whatever you need. The problem is human rights don't have, from my perspective, they don't have the clout in relation to money.*

> *With clients around human rights, yes, we can have things and other people have referred to this in legislation, but actually making it work in practice is completely different.*

As advocates, trying to reframe issues with a rights based focus is often a challenge due to lack of public and professional familiarity with the rights based approach. Participants explored the status and credibility given to human rights agreements and conventions in New Zealand and the use of these to provoke government action or secure funding. Participants told how they used messages, other than a human rights message, to provoke change.

> *I was just thinking about the human rights stuff. I think we've tried to actually hook up with the human rights stuff and it hasn't kind of helped.*

> *You know we say 'it's about death', 'it about the lack of safety stuff', it's been those kind of things that have ended up being the strategies we've used to try and move government and I do have some worries about what that does around wider community thinking around safety. How do we do that in a powerful and useful way that doesn't make people more frightened but that creates leverage?*

> *Sometimes I might decide not to talk specifically about human rights because I know those words themselves will be a barrier. But the values, the concepts, I can talk about those.*

> *The fact is that some terms, domestic violence, family violence, intimate partner violence are being used interchangeably, often depending on the audience, or what is more acceptable to different audiences.*

One of the strengths of discussing issues from a platform of human rights is that it can frame discussion on contentious subjects, such as abortion, in a way that goes beyond the patterned polarised responses. One participant related how, in recent years, a refocusing has taken place to address a wider range of human rights, moving away from a traditional focus on only civil and political rights.

> *What constitutes human rights, and the move to work on violence against women and more recently to look in the context of that work at the issue of abortion for example, can be confronting for many people in New Zealand, many people internationally and cause them to reassess at a pretty fundamental level what human rights actually are and who decides human rights and how human rights are negotiated and how brave you have to be to stand up for human rights at different times.*

The rights based approach creates a common language across quite diverse areas of work. It is a bridge across groups who may be working with diverse issues but who have a common interest in pursuing human rights. This creates potential for dealing with diversity and difference.

> *What [the rights based approach] did do in the end was highlight the usefulness of using human rights frameworks for negotiating the very difficult issues. Because the movement came through very difficult discussions and even though there still wasn't agreement at the end there was a lot more respect for each other's point of view and acceptance of the change in policy because people could see that they were relating the discussion to human rights principles. They worked out a common framework for negotiating pretty difficult stuff.*

> *I found with the Transgender Inquiry that framing those issues as human rights issues did provide ways to actually engage people. Firstly to enable an assertion of the right to culture and the right to cultural ways of expressing and being in terms of sexuality and gender. Secondly it provided a space to talk about transgender people's rights to citizenship and what citizenship means in terms of their ability to have forms of identity that match themselves. And it did that in a way that a health framework just could never have done.*

The rights based approach was also being used to identify human rights issues in schools and to work out ways of tackling them.

> *The more recent work I've been doing relates to efforts to have our school system based on human rights principles and our early childhood education as well. One of the issues we will be confronting is the sort of harassment which appears to be increasing in schools over the last five years ... there seems to be a rising tolerance for well, perhaps it is homophobic language, but there's some disagreement about what's actually underlying it and what the meanings are that kids attach to it.*

Participants wanted to explore advocacy methods.

> *It's the strategic decisions that we're having to make in terms of language and professionalism in our own advocacy.*

> *[We need to] find new ways to frame accountability for human rights including responsibilities as well as rights and doing that beyond the violations framework. So not only asserting rights from a place of victimhood but asserting them as a base of autonomy and dignity.*

> *I think what's different around family violence is that we don't have victim led advocacy. We've got a violations model but we don't actually affirm the advocacy of victims as such.*

> *When you look at, for example, victim advocacy by groups like the Sensible Sentencing Trust, and then people such as Louise Nicholas who are creating spaces for models of resistance to violation in ways that create different sorts of conversations about what it means to be a victim and Jan Jordan's book is another example of that.*

The dialogue prompted participants to ask: what can we learn from each other? The recent achievements of sex workers were highlighted.

> *We've always looked offshore for ideas and then I was reminded recently when offshore started looking at us.*

> *And I mean I think that's where actually [prostitution law reform] has really shown the light because of sex workers leadership and advocacy for a start. So it was actually a movement. It was a movement ...*

2 | Gender and Power

International human rights standards deal with the relationships between people, and between people and their governments. Rights and responsibilities are framed in relation to the role of the State, the use of powers by the State, and the rights and responsibilities of citizens. Theories of gender, race, and critiques of power relations have also infused human rights. But what are the contemporary discussions about theories of gender and power? Are these relevant to human rights practice?

Participants reflected that.

> *We don't talk about the landscape of power much any more.*

> *...we're being told by our own, well you know, 'I think maybe power's done it's time' and 'gender's done it's time,' but actually nobody's putting up a useful alternative.*

Conversations about gender and power have largely disappeared from debates within civil society and government. The dynamics of gender inequality are being left out of many conversations on pressing social issues such as family violence. Many policies and laws are either neutral or silent on gender.

> *We've gone from being 'gender blind' to 'gender bland' ... gender bland for men and women.*

A number of comments from participants echoed this observation.

> *When I first came through that whole era of men's violence to women and the discussions around gender were quite strong and quite present and I liked the that term 'gender blind or gender bland'. A lot of those discussions have disappeared from our conversation.*

> *Gender, we're probably one of those women's organisations that continues to fight the gender issues because we can see within family violence that violence is being degenderised all the time especially since government has made it a core issue for them to be involved in.*

Yet unequal gender relations and multiple forms of discrimination still underpinned many social issues.

> *There continues to be the whole pornography stuff and the whole objectifying of women and ... it's like 'that stuff's okay' and if we talk about that somehow we are incredibly prudish.*

> *What we know of the women who come into our services and in our conversations is that the vast majority of women experience sexual violence from their partners. That's a significant amount of sexual violence and rape and those things are still being perpetrated by men.*

> *When someone loses their job because they're transgender or they're intersex retaining [that job] is a nice idea but it's not what works outside in practice.*

Gender and power issues were also present in young people's sexual and reproductive health and rights.

> *Gendering ... comes back to power and relationships and young women's ability to negotiate and young men's ability to negotiate in relationships. The impact that has on the sexual health and dynamics of the relationships and the particular concern around young people's [sexual] initiation, however negotiated, consensual and coercive that is ... Reinforcement of active and passive roles in relationships actually don't help very much.*

Gender and biological sex binaries and stereotypes (male/female, masculinity/femininity) are Eurocentric constructions which exacerbate discrimination and fail to value diversity in gender and in biological sex.

Participants noted that for individuals born with reproductive or sexual anatomy that does not reflect the perceived traditional biological definitions of female or male medical intervention is used to .... *'reassure parents that the children are going to be heterosexual and normal'*. These actions are driven by anxiety to conform with the binary sex and gender system. A system which attributes status and power to those who are easily identified as a biological male or female, who perform femininity and masculinity in line with their biological sex, and who are likely to enter into a normative heterosexual relationship.

People who do not identify within a binary frameworks are discriminated against in all sorts of areas of life.

> *(Max) died because in America he was either seen as a woman or a man, so once he became a man he wasn't able, through insurance practices, to be looked at as someone who had female parts... so that's why his cancer was not picked up until very late.*

This issue is not unique to the United States of America and best practice service models in New Zealand (around health for example) are also very binary in nature.

In many cultures gender based identities other than male or female are highly valued. Fa'afafine (Samoa), Fakafafine or Fakaleiti (Tongan), Vakavaine (Cook Islands), Mahu (Tahiti) are unique Pacific Island cultural identities which exist beyond traditional male and female genders.

It was also pointed out that the concept of gender dysphoria, or gender identity disorder, actually promotes and furthers the thinking that gender is binary in nature and that a person has to be either male or female.

Participants acknowledged the transformative capacity of those who challenge binary sex and gender systems.

> *I think that the intersex issue, and being aware of valuing different traditional Pacific gender/sexual constructions ... challenges and potentially expands the base platform that we stand on around what is gender and what is sexuality.*

> *Our challenge is to learn how to deal with and value difference and diversity ....*

Some participants noted a wider social view that feminism, which offers a gender analysis, appeared to have become passé or was considered by some to have outlived its usefulness. Some wondered whether people feel that we don't need the analysis feminism offers as women already have the equality they wanted.

> *Somehow feminism, it's kind of like 'it's okay for women now' so ... 'that's been done' and now it's kind of 'balance it up for the men' and there's real competition stuff that really worries me from [for example] boys in schools not doing well ...*

A key concern was gender based violence and discrimination. This includes violence against women and children, sexual violence, homophobia in schools, discrimination against sex workers, and discrimination against people of diverse sexualities, gender, ethnicity and culture. But there were concerns that people were not making connections between forms of violence.

> *It's been really worrying for me, the splitting of the issue of intimate partner violence and sexual violence ... Somehow we've split the discourse and there's a struggle to bring those things together and ... we've got a Family Violence Taskforce and a Sexual Violence Taskforce and [there's] a lack of willingness to bring those things together.*

The main sites for discussion of power, but not gender, had shifted and now appear to be in relation to violence against children.

> *We've always considered children as having the same fundamental rights as mothers, but for everyone around the table the issue of children is much more put forward. [And as women are carers] women have been doubly victimised by the state because they're seen as the reason why children are not safe. And the issue to do with perpetrators is completely ignored.*

One of the participants commented how lack of analysis, rendering gender invisible, also impacts on men's engagement with the issues.

> *One of the things it does around men is[it] means that then we can stop having the conversations [about gender analysis].*

> *There is not the connection between gay men's groups and our groups and I think we need to take responsibility for not stepping up around those issues and having conversations with gay men about violence and what's happening around that, and how as men we can be looking at these issues of power and control in a relationship.*

Some noted that the lack of gender analysis helps to reinforce a powerful binary system for men and women which further marginalises and excludes. Gender inequalities are not two dimensional, they are multi dimensional. Looking at gender based violence provides a way to look at how men are also subjected to violence when they break gender norms for men, such as gay men or transgender men.

> *Violence against transgender people is a real concern especially when they are in the early stages of transitioning. We had reports that trans people were sworn and spat at just because they were transgender.*

> *Gender at the United Nations tends to be traditionally around men and women and one of the good things about the HIV pandemic is that it has sort of opened up the discussion to include people who may not identify as men or women or people along that spectrum....*

Challenges to social constructs of men and women were not without difficulty.

> *[It has] created a bit of a tension between the women's movement who are steeped in human rights, but also feel that women are hugely marginalised and experience a lot of discrimination, and then [consider] men who have sex with men and it's kind of this tension about who is more vulnerable.*

One example of where a participant felt gender and power analysis was missing was in relation to young women's street violence. The feeling was that street violence was simply presented as *'women are as violent as men'*, and yet the issues for men and women were very different. Because some young women are increasingly violent in the streets they are seen to have power. The idea that women have power gets transferred into other contexts, for example domestic violence and sexual violence, and conversations about power imbalances have stopped.

> *But if women are becoming violent then that actually tells you there's a power differential. That's what they do when they're subjugated - they rise back.*

Participants noted that a young woman using violence on the street does not represent a seismic shift in gender or power relations in New Zealand. While street violence is a problem, what does it reflect? Is it about the permission given to young women to use force as a way to assert themselves? Some thought the lack of gender and power analysis fuels the idea that this analysis has 'had it's time' and is no longer necessary.

The relationship between government and civil society, including NGOs, has been affected by new funding and contracting models. Some of these are canvassed in the later discussion about *Relationships*.

Participants felt that a funding relationship, or membership of a government working group, impacted on the autonomy of NGOs. They were concerned that perhaps they were not having hard, risky conversations due to their relationship with government agencies. Participants identified a link between increased government ownership of issues such as violence, the government/NGOs contracting model, and a decrease in discussions about gender dynamics.

> *You see it at all levels from the international down to the national governance, they're [the government] risk averse so you tend to get discussions watered down to the lowest common denominator and you don't have those kind of risky, controversial discussions about issues like power because it's just too hard.*

Participants were also concerned that NGO's 'going mainstream' had caused them to lose the uniqueness of their advocacy.

> *There's that, within our sector, a kind of - people have been campaigning this stuff for a long time and they see it getting pulled out into a kind of broader sector and they really worry about that.*

> *It might suit people to dumb down issues of power. The sense is that in the violence area it is becoming harder for people to hear the messages about what is happening. To some extent the public is overwhelmed and want to hear good stuff.*

> *You know it actually suits a huge majority of people in this county that we dumb the issue of power down, the issues of the Treaty, the issues of, you know all those issues that we don't want to talk about. It's really comfortable for us not to go there ...*

Some organisations were still willing to work on issues of gender and power.

> *The issues around sovereignty and power and what's bad behaviour and what's appropriate behaviour. We are still working on those issues and trying to move them forward in a useful way.*

> *We also have lesbian visibility as one of our cornerstones and actively have lesbian sexuality caucus and we discuss sexuality all the time.*
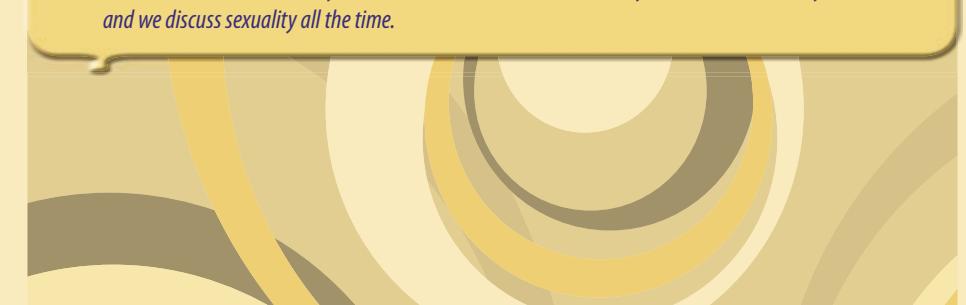
Participants noted inadequate conversations about power and gender dynamics as they relate to being male and female, masculine and feminine. The most common ways of being heterosexual, male or female, masculine or feminine, are the ways that receive the highest levels of social approval and privilege. But are we having conversations about the issues of power and social approval in relation to sex, gender and sexual orientation? Participants wanted more ways to explore these issues and link them to their work.

3 | Culture and Identities

Sexuality, gender and culture mix to produce our unique sense of self, community and nationhood. The meaning and social significance of sexuality and gender varies across cultures and time.

> *What happened in the 1980s [in lesbian and gay communities] was the rise of identity politics. The desire to separate all the strands and everyone wanted to be seen in their own place and in their own foundations. As 'not lesbian' or 'not this and that'. But I see less of that identity politics in those communities now.*

With a shift to bring these separate strands back together, debates of national identity have become a focal point for developing a sense of belonging. Yet how can issues of sexuality and gender be included in debates about national identity? Who is included and excluded and why?

> *My worry about national identity debates is that while I think it is important to bring people together what I worry about is that most national identity debates in other countries have ended about being about excluding and including people ...whether it's been in India or the United States of America: certain types of people are [citizens] and certain types are not.*

> *The issues are intersectional and that's a challenge because sexuality is often framed as an issue for young people or as only relevant to sexual minorities when in fact it is relevant to everybody. In terms of multiculturalism and migrant communities in New Zealand, who do they put forward as their cultural icons, as their cultural norm? And what are the ways in which their desire to please mainstream society influences how they define who they are?*

For some participants culture was the primary source of their identity. It was also used as a weapon of discrimination in the form of racism. Talking about sexuality and gender in the context of racism caused tensions for some communities.

Diverse Māori sexualities were left out of many official European histories or were not widely known about, for example, whakawahine, whakatane, and takatāpui. Elsewhere in the Pacific societies also had different ways of thinking and talking about gender and sexuality.

Unique Pacifika identities exist and existed in the Pacific Islands before the arrival of European to the present. This includes "Fa'afafine (Samoa), Fakafafine or Fakaleiti (Tongan), Vakavaine (Cook Islands) and Mahu (Tahiti).

Thinking and action around gender, sexuality and human rights must reflect the diversity of genders and sexualities.

> *Sexuality is always seen in that worldview of the Palagi*

> *[There is] the danger of the Eurocentric model. We must 'language' with other cultures particularly around gender and I want to acknowledge that historically there's been a very different way of looking at gender in the Pacific particularly.*

Participants explored gender, sexuality and national identity. What is it about being a 'New Zealander' that is unique? How are we viewed by others and how do we present ourselves to the rest of the world? Do those images reflect sexual and gender diversity? Are they grounded in human rights?

> *There is a huge yearning to belong and the question is how do you define [what] you belong to? That's why I yearn for a national identity based on human rights because to me it fits with what most New Zealanders see as our values but it's non exclusive.*

> *That obsession with what overseas visitors think of [New Zealand] the day after arriving ... we need to have a bit more dwelling on our shared values and our diversity and create something out of that.*

How do our individual and collective identities relate to our roles as global citizens? Where are the intersections of culture, sexuality and identity and can we highlight these intersections in ways which advance the human rights of all? Participants with experience of international advocacy on issues of sexuality and gender asked whether there was a New Zealand identity that influenced the style of advocacy.

> *More and more in the Pakeha culture I see [changes] ... I think Pakeha as New Zealanders finally came to terms with the fact that they are part of the Pacific. They're no longer part of Europe as they used to say back in my days in the 60's, when they used to say [to Pacific islands people] 'go home' [even though] she was born in Timaru or somewhere.*

> *What is it that is really different, what makes a Pakeha different from an Australian and an American and from my perspective it's because they really do have a sense of connectiveness and integrity.*

> *It's interesting. I wonder about that, what is it about that set of the generalized New Zealandness that means internationally we are, we play particular roles and I would say that's as true for Māori activists working overseas as it is for others.*

It was critical, however, that human rights advocacy internationally was honest about the human rights situation in New Zealand.

> *There seems to be a disconnect between how we act on human rights out in the world and some of what's happening at home here. How are [those values] reflected at home here in New Zealand where kids at schools get bullied and there's violence in the home?*

Participants had a strong sense that there was a unique 'New Zealandness' which was constantly moving.

> *How you define culture? How you define lesbian and gay communities in their arrangements with each other? These are not static. They are constantly changing.*

The fusion of Pacific peoples in New Zealand and the rise of Māori development were creating new kinds of communities.

> *I wonder if New Zealand's almost changing in the bedroom regardless of the conversation.*

4 | Relationships

Human rights are relevant to relationships between individuals, groups and communities, and between civil society and the State. Civil society, including non-governmental organisations (NGOs), has a vital role in promoting and protecting human rights.

In New Zealand civil society groups receive funding from a variety of government agencies, through diverse funding arrangements. Those arrangements range from contracts for direct service provision ('the contracting model') through to funding for single projects. Civil society relationships with government and with NGOs in other countries were another focus of the dialogue. Do advocates articulate human rights in discussions with government? In what ways? Does the fact of government funding affect advocacy or autonomy? What are the tensions and how can these be resolved?

With government

The funding pool in New Zealand is limited and unlike other, larger countries there are not a great number of private benefactors. Funding tends to come from one major source: government. As a result NGOs are vying for funding, which often puts them in competition with one another and, as one participant noted, *'most of the money comes with significant strings attached'*. However, the contracting model is now embedded for many NGOs, which has resulted in greater financial security and less time spent on searching for funding. Contracts are signed on a cyclical basis with funding guaranteed provided service delivery arrangements were met. But some questioned the side effects of the process.

> *In terms of the relation with the government … and all the collaborative networks that have been formed as a result of that. It has really influenced NGO thinking around the table. Have we become passive, and would we think … Oh well you know we've got to be careful here in terms of the money. You know we've go to be careful here in terms of the relationship.*

When NGOs become known for their service delivery there is a risk that their advocacy role, their role in social change, gets lost within the organisation and with the public. The model is seductive because it means the NGOs have a 'job'. Participants felt NGOs should be discussing how funding relationships impact on autonomy.

> *I wonder also whether in that context, I don't know if you others have seen it, but I think what's happened … is that as the move to service delivery has grown, in other words you know in the 70s and 80s there were many more community groups who had grown out of activism from people who saw injustice and wanted to organize to fix it. [Now we have] a movement towards the contracting model whereby those agencies delivered services for government ….*

Participants asked whether their activism, and ability to be controversial and take risks, had been muted through their relationship with government and their adoption of government agendas.

> *How do you work with those people who you partner with who are inside of [government agencies] and how do you choose whether to sit on the outside of the process so you can raise questions?*

The quality of human rights knowledge and articulation by government agencies also varied widely.

> *There is something in there about the hierarchy of rights that are ascribed even with the government framework …even amongst civil society organizations there is … a mixed bag in terms of the ability to take knowledge about human rights and burrow that down into a way that's meaningful …*

Government agencies were not using the human rights framework and were using a variety of scientific and evidence based models. Civil society groups had to be able to understand all of these and then challenge them from a human rights approach.

> *… for instance in the health [area] when we had the conversation about transgender issues we're talking about health and it's quite clearly the framework that the health people were talking about but the driving framework for them is medical. There's no conversation about [human rights]. They say 'oh it's based on scientific evidence.' Well excuse me but scientific evidence doesn't necessarily make it better for people and yet that is what is driving policies.*

With international communities

Some New Zealand NGOs participate in various international human rights arenas such as the United Nations, United Nations organisations, regional and sub-regional meetings, and a wide range

of other activities. Networking, co-operative strategising and mutual learning were just some of the benefits of international collaboration. But more work was needed to bring these benefits home.

> *For our work interaction with international networks ... you can't survive without them ... they're absolutely essential.*

> *I'm not sure we link enough of our efforts in those forums with what we are doing here and how we hold our own governments accountable for what [is said] in some of those [places].*

Some used research and evidence of international human rights best practice to help their advocacy.

> *...some of us tried to persuade the Ministry of Education a few years ago that our schools needed to be explicitly based in human rights principles. The response was 'there was no evidence that [you] could point to that taking a human rights approach would make any difference' ... we had to go overseas for the evidence.*

The mutual nature of international relationships was important in advancing human rights advocacy.

> *We've always looked offshore for ideas ...for stimulation in terms of ways to respond, in terms of HIV and sexual health, and to look after the health and wellbeing of sex workers. We are now regarded as providing or having provided a model in terms of the law that can be offered back to the world and we are often invited and sponsored to go and contribute internationally ...*

> *The challenge is I think, to hold on to what we already have and to say it's not quite good enough.*

But not all NGOs participated internationally compared to the government agencies they were working with.

> *I think [sometimes international practices influence] but mostly through government's interpretation of what they consider is good international practice. So the police go overseas and regularly look for new models and then come home and create that model here ... or [social service agencies] participate very highly ... but the NGOs, we don't have the same level of participation internationally.*

For Pacific peoples there were other issues. There is a need to develop diverse Pacific leadership that has a range of advocacy skills. Diverse leadership was important because of the dominance of some religious groups, but participants asked: how do we help to grow new leadership?

> *It is changing as we see the Pacific communities in New Zealand taking quite a strong leadership role in getting Pacific representation, trying to get the right people there. But I think it's a bigger question about capacity across the Pacific.*

Engagement with international communities had been adversely affected by the invisibility of the Pacific as a region distinct from Asia.

> *...I get a feeling from Pacific colleagues that they feel like they don't have a voice at the United Nations. It's a self perpetuating thing and so what the UN says isn't relevant for us because they don't listen to us.*

This is changing as Pacific Islands Forum countries become more organized and vocal at the international level. Civil society groups are organising within the Pacific region with a number of international NGOs also working in the region. There are growing regional discussions about possible regional human rights mechanisms in the Pacific. These provided new opportunities and challenges for advocacy about sexuality, gender and human rights.

Movement Building

The dialogue explored current issues of sexuality, gender and human rights. Looking forward, what are the prospects and challenges for rights affirming change? How do those issues relate to broader social movements? Participants explored concepts and compared experiences of movement based advocacy.

> *Prostitution reform has really shown the light because of sex workers' leadership and advocacy ... it was actually a movement. That's a difference around family violence. We don't have victim led advocacy. We've got a violations model but we don't actually affirm the advocacy of victims.*

> *The prospect is the common framework of human rights. A common conceptual framework: a tool box to address issues of sexuality, gender and other human rights issues. I think that there is greater networking ... We can begin to feel that there is a sort of human rights movement within New Zealand compared to ten years ago.*

> *One question I ask myself is: am I part of a movement to develop an international human rights standard on sexuality? We don't talk a lot about movements any more whereas we used to.*

Human rights advocates needed to be part of those movements and stay connected with their communities. Without those connections there was a danger that their advocacy would be irrelevant.

> *One of my favourite pieces of graffiti was on a wall outside a monastery and it said: the meek don't want it.*

> *Today gives me a glimpse that we are going to tip the other way [away from the moral Right and conservatism]. It's about critical mass. On our own none of us is very large but together we represent huge groups of people. It's about how do we connect; how do we move forward?*

One way was to pool scarce resources to develop stronger research capacity, stronger advocacy capacity and stronger organisations working in ways that reflect a human rights based approach.

> *...[like] trying to reduce some of our organisational overhead costs by some sort of pooled provision. It's doable.*

> *I could do with civil society organisations clearly articulating their human rights approach, and there are opportunities for those who are using it to strengthen that with those in the sector who haven't had a chance to do it or who tried but maybe it hasn't been successful and they need some help.*

Participants agreed it was critical to connect with and be part of international movements.

> *My work particularly around intersex issues is informed totally by the international community. That's what I am connected to. It's a very small community. I couldn't do my work without my connections with other intersex people. I would constantly be talking inside a vacuum and you can't progress or develop when you're doing that.*

> *We feel that solidarity with sex workers in other countries.*

> *Lots of transgender people are connected with others overseas in all sorts of ways.*

Some were exploring ways to foster new leadership.

> *Those of us who are [doing this work] are getting older and I'm the young man and I don't feel so young anymore. I think we're getting pretty tired. So there's some questions about how to bring people through, how to freshen up our thinking. How do we create some regular ways of engaging with others...?*

> *We need new leadership: from sexual minorities including transgender and intersex people and those who support them.*

We must continue to have dialogue which reflects on practice.

> *So Pakeha New Zealand can have these conversations but we need to honour where that came from... yes there is awareness of the Treaty of Waitangi and our responsibilities around partnership and ... these are extremely hard conversations to have and they're difficult and they're awkward but I think people continue to have [those discussions].*

Participants wanted to create more spaces amongst NGOs to help critique practice and strategise on current issues. Good examples were the caucus convened to discuss gender architecture reforms at the United Nations and the Ministry of Women's Affairs international women's caucus. New networks were also being developed.

> *A few years ago some of us set up a human rights network .... It's a virtual network with the aim of promoting human rights and is a sort of virtual space to facilitate and collaborate discussions about human rights issues.*

Where to Next?

The dialogue provided a group of people with an opportunity to step aside from the daily bustle of work to simple talk about issues of gender, sexuality and human rights. We hope the ideas, thoughts and questions we've shared here give you food for thought. We look forward to seeing the sparks of inspiration that fly in conversations and action ignite into a multitude of small flames that one day flare up into a mass movement for human rights for all.