



Women's Human Rights Campaign

Joint NGO Submission on behalf of the Women's Human Rights Campaign for consideration by the Commission on the Status of Women

7 June 2020

This joint NGO submission has been prepared by Feminist Legal Clinic Inc. on behalf of the Women's Human Rights Campaign (WHRC) in Australia. WHRC is a group of volunteer women dedicated to protecting women's sex-based rights. Its volunteers include academics, writers, organisers, activists, lawyers, health practitioners and others who are concerned with the erosion of women's sex-based rights. More information can be found on the main website for the Women's Human Rights Campaign and on the Facebook page for the Declaration on Women's Sex-Based Human Rights.

Neither Feminist Legal Clinic Inc. nor the Women's Human Rights Campaign receive funding from government or any private source and therefore are free from the conflicts of interest that constrain so many other Australian NGOs. However, our resources are also very limited as a result and our voices are actively marginalised within the sector.

This submission is endorsed by the groups and organisations listed on the next two pages who are members of WHRC in Australia, including the Coalition of Activist Lesbians which is accredited by ECOSOC with special consultative status.

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Coalition of Activist Lesbians



IWD Brisbane Meanjin



Women Speak
Tasmania



Feminist Legal Clinic Inc.



Victorian Women's Guild



Fair Go for
Queensland
Women



Aus & Kiwi Radfems



Erinyes Autonomous Activist
Lesbians



Radical Womyn
Film Festival



Australian Feminist Lesbians
for Equity



Real for Women



Women's Guild
NSW



Joyous Birth - Australian Homebirth Network



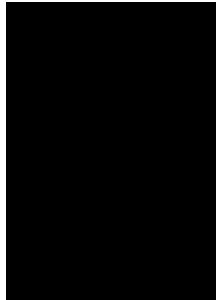
Australian Lesbian Health Coalition



Nordic Model Australia Coalition



Matrix Guild Victoria



Trans Dissent Australia



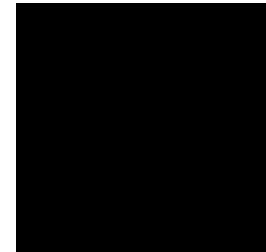
Spinifex Press



Gender Critical Academics



Listening2Lesbians



The Wagga Feminist



The Firewatchers



Prostitution Education and Collective Experience



Women's Action Group

Joint NGO Submission on behalf of the Women's Human Rights Campaign

Introduction

This submission focuses on the Australian Government's failure to observe their international human rights obligations, specifically in relation to women and girls. Despite living in an affluent country, Australian women continue to experience extensive sex-based disadvantage, including workforce discrimination and pay inequity, sexual and reproductive coercion and exploitation, and high levels of male violence and abuse. Ironically, the application of an equality narrative that does not recognise sex-based differences is increasingly undermining fair treatment of women in many contexts.

1. The Definition of 'Woman' in Law and Policy

In recent years there has been a rapid adoption by Australian governments of legislative and policy changes which conflate biological sex with socially constructed concepts of gender identity. Australian governments have failed to consider the impact of these changes on the human rights of women and children. Laws which enable individuals to change their sex on official identity documents, in several states based on self-declaration alone, effectively render the word 'woman' meaningless. This undermines the efficacy of sex-based protections, as well as provisions for the care and safety of children. It also erases recognition of lesbian women and their rights.

Moves to alter the definition of 'woman' have had a divisive impact on feminist activism and the ability to advocate for women's human rights. This has resulted in a loss of women's opportunities, services and safe places, and a general failure to prioritise the safety and well-being of women and children. There is also concern for the human rights of the many children who are being fast-tracked into harmful hormonal and surgical interventions for gender dysphoria.

Recommendation

- ***The Australian Government recognise that the rights of women are based upon the category of sex and take immediate steps to reverse legislation and policies that conflate biological sex with socially constructed notions of gender identity.***

2. Motherhood and Reproductive Rights

'The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.'

Beijing Declaration and Platform for Action (1995)

a) Recognition of Motherhood and its Importance

The inclusion of men who claim a female 'gender identity' within the legal category of 'mother' erodes the significance of maternity. Surrogacy also exploits and commodifies women's reproductive capacity. The failure to recognise maternal rights and to protect the crucial bond between a mother and baby is placing both women and children's safety and well-being at risk. Maternal rights and services must be based on women's unique capacity to gestate and give birth to children.

Recommendation

- ***Motherhood must be recognised as an exclusively female status and protected from commodification.***

b) Access to Family Planning Services

While Queensland and NSW have finally passed long overdue laws to decriminalise abortion, termination of pregnancy is still not freely available through the public health system and the typical private cost of \$500 exceeds that which many women can pay. In remote and regional areas, there continues to be limited access to safe surgical abortions. Furthermore, the *Religious Discrimination Bill* proposes to protect the right of health professionals to refuse service based on conscientious objection, which is likely to further restrict the availability of family planning services for many women, in contravention of Article 12 and Article 16(1)(e) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Recommendation

- ***The rights of women and girls to physical and reproductive autonomy, including access to contraceptive and pregnancy termination services, must be protected irrespective of socioeconomic class or Indigenous status. The Australian Government must legislate to ensure pregnancy termination and other family planning services are available through the public health system with the full cost covered by Medicare.***

c) Removal of Children by Adoption & Surrogacy

There continues to be a failure to support disadvantaged women to retain care of their own children once born. Instead, Australian states such as NSW have increased the use of adoption and maintain high rates of child removal, particularly in the case of indigenous communities. This is despite Australia's history of issuing government apologies for past child removal policies in relation to unwed mothers, child migrants and the indigenous stolen generation. The continued removal of children, particularly from indigenous mothers, perpetuates a cycle of trauma and disadvantage that is exacting a huge cost on our community.

While commercial surrogacy is currently still illegal in Australian jurisdictions, Australian couples, both heterosexual and homosexual, are some of the major customers for commercial surrogacy arrangements made overseas. To date there has been a failure to prosecute couples who enter into these arrangements, and in some cases (such as the notorious Baby Gammy case) the Australian Family Court authorised the permanent removal of a child against the wishes of a gestational mother overseas. In this case, the court made orders in favour of a man with multiple convictions for child sexual abuse. Such a decision contravenes Australia's obligations pursuant to Articles 9(1), 11 and 19 of the Convention on the Rights of the Child (CRC).¹

Recommendation

- ***Surrogacy and adoption must be banned and individuals who seek to procure children by payment, either within Australia or from overseas, should be prosecuted.***

d) Removal of Children by Application of the Family Law

The Australian Family Law system is failing to respond appropriately to cases involving domestic abuse². Women who complain of violence and abuse by the fathers of their children are routinely accused of being delusional or manipulative and are coerced into consenting to parenting orders under threat of otherwise losing their children altogether.

The legal strategy of claiming 'parental alienation' continues to be successfully relied upon by fathers responding to claims of domestic violence or child abuse. Too often this results in mothers losing care of their children into the hands of men in relation to whom there are unresolved allegations. Inadequate legal aid results in women being frequently self-represented and at a significant disadvantage and recent provisions to overcome this problem are piecemeal and do not extend to interim proceedings, when much of the damage is done.

The presumption of 'equal shared parental responsibility' ignores the reality that domestic violence and child sexual abuse are overwhelmingly committed by fathers, and that it is extremely difficult to secure convictions for these crimes. Women's ability to keep their children safe from abusive fathers is undermined by a system that fails to acknowledge that it is usually in the best interests of children to remain in the primary care of their mothers.

The Australian Law Reform Commission Family Law System Review was released in 2019 with 60 recommendations for reform. To date, no recommendations have been implemented or even been debated in the federal parliament. Instead, the current federal parliament has commenced another review with Senator Pauline Hanson as Deputy Chair. Hanson is a notorious fathers' rights proponent and has berated women in the media for

¹ Kerr, [Women's Reproductive Rights- Spoiled for Choice](#), Issue 144 Precedent Magazine, Jan/Feb 2018

² Jess Hill "See what you made me do" 2019 Schwartz Books Pty. Ltd. Carlton Australia pg. 264

being liars.³ Campaigners are calling instead for a Royal Commission to inquire into a system that 'is dangerously dysfunctional...and is harming children on a daily basis'.⁴

Recommendation

- ***Maternal rights must be specifically recognised in Family Law with a presumption that it is in the best interests of children to remain in the care of mothers who have been their primary carers, unless it can be rebutted with strong evidence that even with adequate financial and social support the mother is unfit or unwilling to care for the child. The presumption of equal shared parental responsibility be removed.***

e) Pregnancy and Parenting Discrimination

The Australian Government is failing to ensure compliance with Article 11(2) of CEDAW, with workforce discrimination related to pregnancy and parenting obligations continuing to be endemic⁵ and manifesting in a significant pay gap across all industries.⁶ This gap would be much higher if it took account of all the women not in the paid workforce. Mothers carry out a large amount of work for which they receive no payment at all. The resulting financial inequity accumulates over women's lifetimes and is becoming increasingly visible in the rising levels of poverty and homelessness amongst older women.⁷ In addition to subjecting women to financial disadvantage, discrimination in employment also impacts on women's self-esteem and renders them vulnerable to male violence and coercive and controlling behaviours.

Women make up roughly two thirds of all employees on casual contracts in Australia, often placing them in long-term financial insecurity, with many dismissed without warning or reason at every economic downturn. These women find themselves in a constant cycle of poverty. Casual work contracts designed as stop-gap measures during financial crises now put many workers at permanent disadvantage.

There is a continued unwillingness by the Australian Government to recognise the economic value of the essential work women carry out both inside the home and in the community. The failure to pay women fairly, or at all, for care work is in breach of human rights provisions requiring just and favourable conditions of work, such as Article 23 and 24 of the Universal Declaration of Human Rights (UDHR), Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 3(g) of the Declaration on the Elimination of Violence against Women (DEVAW).

³ [Pauline Hanson lashes women 'lying' about domestic violence in family courts](#)

⁴ ['A Royal Commission into Australia's Family Law System is needed' letter to federal politicians and signatories, Bravehearts](#)

⁵ [Supporting Working Parents: Pregnancy and Return to Work National Review - Report](#)

⁶ [Australia's Gender Pay Gap Statistics](#)

⁷ [Older Women's Risk of Homelessness: Background Paper \(2019\)](#)

Welfare payments made to single parents, the clear majority of whom are women, have been reduced in duration and have not been increased in real terms for a lengthy period with the result many sole parents and children are subjected to significant financial hardship. A complaint was submitted in relation to these matters to CEDAW, but the Australian Government has failed to acknowledge the merit of the complaint.⁸ The Australian Government's notorious Parent Next program has also made parenting payments conditional on meeting onerous requirements resulting in many women and children experiencing loss of benefits for arbitrary reasons. The Australian Government is also failing to ensure that in compliance with Article 27(4) of CRC, fathers pay the child support for which they have been assessed, with the result that many women and children are left in conditions of poverty.⁹

The Australian Government appears to be eroding its observance of the right to social security as set out in Article 22 of the Universal Declaration of Human Rights (UDHR) and other provisions requiring the specific protection of motherhood, including Article 4(2) and Article 11(2) of CEDAW. Rather than receiving fair compensation for their economic contributions, single mothers are subject to unfair stigma and hardship which impacts on their well-being and self-esteem. Their complaints are falling on the deaf ears of a government committed to a patriarchal model whereby women who have children are expected to be financially dependent on the father of their children. Too many women are forced to sacrifice basic human rights and dignity to the fathers of their children, even when these men have made a negligible contribution to parenting. This impedes women's freedom of movement and residence and in many cases women are also enduring violence and other cruel, inhuman and degrading treatment (in breach of Article 3 of DEVAW, Article 13 of UDHR, Article 3 and 5 of UDHR).

To provide protection to mothers in compliance with Article 10(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 4(2) of CEDAW the Australian Government should investigate the payment of a basic income or living wage, piloting it first with mothers.¹⁰ When combined with an expansion of government housing and free services (such as public transport), a universal basic income could replace the current stigmatised, costly and inefficient welfare system and help to free many women from abusive men. It would also provide a workable system in times of crisis such as the current pandemic. Free childcare introduced during the pandemic should also be made permanent.

⁸ [Melbourne woman complains to UN, saying parenting cuts are human rights abuse](#)
[Why one single mother has complained to the UN](#)

⁹ [When child support isn't paid, families struggle in more ways than one](#)

¹⁰ [Mothers And Basic Income: The Case For An Urgent Intervention](#)

Recommendations

- ***The Australian Government trial a basic income or living wage for all mothers to replace the current malfunctioning welfare and child support systems.¹¹***
- ***The Australian Government introduce maximum casual contract times that must be replaced with permanent part-time contracts.***
- ***Free childcare be made available to all parents.***

3. Freedom of belief, freedom of expression, freedom of association, and freedom of assembly.

Australian discrimination and vilification laws are being weaponised against women who dare to question the redefining of 'woman'. There has been significant silencing of women's voices in breach of human rights provisions that guarantee freedom of belief, expression, association and assembly, such as Articles 18, 19 and 20 of the UDHR and Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). Radical feminists who publicly express concerns about changes to the definition of 'woman' are harassed, threatened and subjected to ostracism, deplatforming and litigation.¹² They risk loss of funding, employment and opportunities and receive threats of violence.

It is becoming virtually impossible to hold public meetings to discuss and debate the issue due to the level of protest and pressure applied to venues. In the name of a false inclusiveness, radical feminists are being actively demonised and excluded from all manner of groups and organisations, and their political voice has been silenced.¹³ As a result of these oppressive actions, few women are speaking out publicly and are instead expressing their concerns in closed groups or privately. Lesbian groups, in particular, are finding it impossible to meet publicly without being subjected to insult for being lesbians and facing the risk of members being solicited by male bodied individuals.¹⁴

Recommendations

- ***The Australian Government take immediate steps to reverse legislation and policy that operates to unfairly impede women's rights to freedom of belief, freedom of expression, freedom of association and freedom of assembly.***
- ***The rights of lesbians to meet on the basis of their sex and common sexual orientation receive special protection.***

¹¹ [Mothers And Basic Income: The Case For An Urgent Intervention](#)

¹² [Academic Boycott of Caroline Norma at USyd Conference](#)

¹³ See Susan Hawthorne. *In Defence of Separatism*. 2019. (Mission Beach: Spinifex Press) for discussion of why all women, and specifically lesbians, need to have women-only spaces.

¹⁴ **O'KEEFE v SAPHO'S PARTY INC [2009] SAEOT 50 (24 April 2009)**
www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SAEOT/2009/50.html

4. Undermining Special Measures and Single Sex Sports

Women continue to be significantly under-represented in both corporate and public governance. Changes to law and policy that redefine the meaning of 'woman' have wide-reaching ramifications including undermining special measures enacted in accordance with Article 4 of CEDAW. Men who claim a female 'gender identity' have access to opportunities and protections set aside for women, such as scholarships, political quotas, awards and women-only shortlists, which aimed to increase female representation in public life. When male-bodied people of varying 'gender identities' are included in special measures designed to increase women's participation in public life, the purpose of these measures in achieving equality for women is undermined. Women's sport is another area that is suffering significantly as a result of these changes. Individuals who are biologically male are increasingly participating in women's single-sex sporting activities. This not only places women at an unfair competitive disadvantage, but also exposes them to increased risk of physical injury.¹⁵

Recommendations

- ***Mandatory sex-based quotas must be introduced both in relation to political representation and also in relation to publicly listed companies to ensure at least 50% representation of women in both corporate and public governance.***
- ***The Australian Government must legislate and issue guidelines that affirm the continuing need for special measures such as women's quotas, scholarships, awards and other affirmative action measures and the exemption of these measures from discrimination laws in relation to sex and gender identity.***
- ***The Australian Government must ensure that the Australian Human Rights Commission amends or withdraws its "Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport" and reaffirms and strengthens the exemption of women's sports from discrimination laws in relation to sex or gender identity.***

5. Violence against Women and Girls

a) Loss of safe spaces, support services & reliable statistics

Victim support services and single sex spaces designed to ensure women's safety from male violence and sexual harassment, including women's toilets, changerooms and hospital wards, are currently under threat from both funding cuts and changes to the definition of 'woman'.¹⁶ The placement of male-bodied prisoners in women's gaols and detention

¹⁵ [Womens Sports, Transgender Athlete | Save Women's Sports](#)

¹⁶ Gottschalk, **Transgendering women's space: A feminist analysis of perspectives from Australian women's services** <https://www.sciencedirect.com/science/article/abs/pii/S0277539509000478>

centres ignores the safety implications for female inmates.¹⁷ Gathering crime statistics on the basis of gender identity rather than biological sex also works to obscure the very significant sex-based differences in sexual and violent offending and facilitates offenders evading detection within the community.

There has been significant dismantling of women's refuges, replacing them with generic homelessness services that lack specialised domestic violence workers and children's programs. In NSW, the management of women's refuges was tendered out by government in 2014 and in many cases community-based feminist management was replaced with management by large religious agencies. These services now often also accommodate individuals homeless on account of mental health and substance abuse and also male residents, instead of providing a haven for women with children escaping domestic violence. They are also increasingly employing male staff and often adhere to Christian ideology that advocates male headship and constraints on women's sexual and reproductive autonomy rather than a feminist framework. There are reports of workers having to resort to subterfuge to assist women obtaining pregnancy terminations and of women with children returning to perpetrators having found the refuge accommodation even less safe.

Lesbian women are increasingly having trouble finding safe spaces to meet. There is also evidence that ignorance and active discrimination against lesbians is linked to them suffering chronic illness.¹⁸ There is a continued failure to recognise and address these concerns. For example, there has been a consistent failure to ask the oldest cohort of participants in the Australian Longitudinal Study on Women's Health (ALSWH) a question on sexual orientation.¹⁹ As a result older lesbians' health can neither be matched against heterosexual women's health, nationally, nor against existing international studies. This failure to amass research evidence has implications for policy and clinical practice. There has also been no strategy developed to separate responses of transgendered biological males who identify as women from those of natal women in ALSWH.

Recommendations

- ***Women's refuges and other domestic violence support services must be restored, expanded and supported to operate as autonomous women's services, managed and staffed exclusively by women and guided by a feminist framework.***
- ***Single sex facilities, including women's toilets, changerooms, hospital wards and gaols, must be preserved.***

¹⁷ Evie Amati, axe attacker in jail fight [Evie Amati: Axe attacker in jail fight](#)
[Ben Rimmer: Victim of transgender axe attacker breaks silence](#)

¹⁸.Hatzenbuehler, M.L., & Link, B.G. (2014). Introduction to the Special Issue on Structural Stigma and Health. *Journal of Social Science and Medicine*, 103, 1-6

¹⁹ Lee, Byles, Mishra email communications to B. Clarke, 2004-2020

- ***Australian Government adequately fund research and analysis of lesbians' specific health needs, particularly older lesbians, and report research on a sex- and sexuality-disaggregated basis.***

b) Sexual Violence and Exploitation

Continuing economic inequity renders many women vulnerable to sexual and domestic violence and exploitation. In breach of Article 3 of DEVAW, Article 6 of CEDAW and Article 34 of CRC, Australian states and territories are increasingly facilitating sexual violence against, and exploitation of, women and girls by passing laws to decriminalise and deregulate prostitution. In the Northern Territory there are provisions enabling unhappy customers to sue women for sexual services not performed to their satisfaction. The legal construct of 'consent' also continues to enable men to escape accountability for sexual violence in other contexts involving coercion, with little account taken of the physical, social and economic pressures and power imbalances operating between the sexes. The increasing use of 'rough sex' defences to violent crime is of great concern.

Recommendations

- ***Australian jurisdictions must adopt the Nordic Model in relation to prostitution whereby prostituted women are freed from the threat of prosecution, while the purchase of sex is criminalised along with all forms of third-party profiteering.***
- ***A victim's consent must be excluded as a defence to violent crime against women.***

c) Inadequate Protection from Domestic Violence

There has been manifestly inadequate implementation of the provisions of DEVAW. The current government focus on prevention programs for male perpetrators is ineffective and rates of domestic violence have not abated. There continues to be a reluctance by police to apply for protection orders on behalf of women where there is no physical evidence of injury and a significant unwillingness to pursue orders excluding men from the family home generally. As a result, there are still many women needing to flee their home for safety and consequently suffering further financial and legal disadvantage. Two thirds of homeless women in Australia are fleeing domestic abuse, many of whom are situationally coerced into entering prostitution. Consistent laws are required throughout Australia and we require specialised police stations and courts with staff trained in, and with an understanding of, the dynamics of domestic violence.

Recommendation

- ***That police and judicial staff administering domestic violence and family laws be vetted and trained to ensure an understanding of the dynamics of domestic violence. The Australian Government introduce specialist police units and courts able to determine matters relating to domestic violence, family law and care and protection of children in the one jurisdiction.***

d) Laws weaponised against Women

In addition to these failings, there are now increasing numbers of women identified and charged as perpetrators in circumstances where they are defending themselves or reacting to long term multi-faceted abuse. Incarceration of women, particularly indigenous women, is increasing disproportionately and at a much higher rate than for the rest of the population with the majority held on remand or in relation to minor offences.²⁰ Studies have shown that most women in custody are women with histories as victims of domestic violence, situationally coerced prostitution and child abuse. They should be receiving treatment and support within the community. Incarceration often results in the separation of mothers and their children and there is no acknowledgement that this constitutes cruel and unusual punishment for both women and children. In indigenous communities it is perpetuating a cycle of intergenerational trauma. The domestic violence legislation must be amended so that it is specific to the protection of women, reflecting the international provisions on which it is based, so that it cannot be weaponised against them.²¹ Regular criminal laws are sufficient to provide men with protection from assaults by women.

Recommendations

- ***Domestic violence legislation must be amended so that it is specific to the protection of women and children and cannot be weaponised by male perpetrators for use against their victims.***
- ***Legislation must be amended to introduce a presumption that mothers should not be separated from their children by incarceration, and certainly not while on remand or for minor offences. In general, there should be a review of the use of incarceration for women.***

e) Inadequate Financial Support

Victims compensation schemes are manifestly inadequate and ensure that women who are victims of male violence cannot obtain the financial support they need to escape abusive relationships and re-establish themselves.²² The Family Law is also responsible for restricting women's ability to leave abusive relationships due to the high risk of fathers being granted unsupervised access to children. Furthermore, with children routinely used as a bargaining chip by abusive fathers, legal proceedings often leave women impoverished. Women should not have to choose between unsafe conditions at home and

²⁰[What happens when an abused woman fights back? The over-incarceration of women](#)

²¹ [How Debbie Kilroy achieves change for women and girls in the criminal legal system](#)

²²Kerr, How we are failing victims of Family Violence, 2019 https://feministlegal.org/wp-content/uploads/2019/07/Printed-Final_Kerr.pdf

homelessness.²³ The legal system should not facilitate ongoing abuse by perpetrators of domestic violence leaving increasing numbers of women destitute. Women must be legally and financially supported to leave abusive relationships.

Recommendations

- ***Victims services must be reviewed to provide financial compensation to victims of domestic violence and sexual abuse that is commensurate with other compensation schemes rather than mere token recognition payments.***
- ***The nexus between contact with children and liability for child support must be broken so that children are not used as a bargaining chip in financial negotiations. Mothers should have access to housing and a basic income that is independent of a father's capacity or willingness to pay.***

f) Education

To ensure compliance with Article 5(1) of CEDAW the Australian school curriculum must be urgently revised from a feminist perspective. Respectful relationships are unlikely while there is a failure to recognise the extent of women's historical accomplishments or to educate children about systemic female oppression throughout history. Neither male nor female students can be expected to resist the implication of male superiority due to the skewed nature of the material they are taught. The current Australian curriculum is excessively focused on colonialism and other masculine and nationalist military narratives, such as the ANZAC tradition. This is in breach of Article 20 of ICCPR which requires that law should prohibit war propaganda. Aside from inciting racial tensions, an education that presupposes male superiority and the supremacy of violence is not conducive to respectful relationships and contributes significantly to attitudes that fuel domestic violence within our community.

Recommendation

- ***Australian governments must ensure that all school curricula are revised from a feminist perspective and that there is fair acknowledgement and representation of female role models and accomplishments and that topics including the suffragette movement, the witchhunts and footbinding are included as mandatory content.***

²³ [Many women fleeing domestic abuse face poverty, report finds, https://www.theguardian.com/society/2019/mar/06/many-women-fleeing-domestic-abuse-face-poverty-report-finds](https://www.theguardian.com/society/2019/mar/06/many-women-fleeing-domestic-abuse-face-poverty-report-finds)

6. Gender Reassignment of Children

Perhaps of most pressing human rights concern is the use of harmful medical and surgical interventions for children, increasingly young girls, who do not conform to sex stereotypes or are diagnosed with gender dysphoria. This includes the use of puberty suppressing hormones, cross-sex hormones and gender reassignment surgeries. These interventions can cause a range of permanent adverse physical health effects, including sterility, as well as negative impacts on psychological health. Despite claims that these drastic interventions are necessary to avert the risk of suicide, there is insufficient evidence for this, or to otherwise justify a gender affirming management protocol for these children. The rate of young people (mostly girls) now presenting with rapid onset gender dysphoria (ROGD)²⁴ is increasing exponentially and is concentrated in locations where gender clinics are available. This suggests that the phenomenon is the result of social contagion rather than any cause inherent in the individual child. Certainly, governments should pay attention to the increasing number of detransitioners speaking out about their experiences.²⁵ Their psychological and physiological distress is evidence of a failure to observe the obligations pursuant to Article 6(2) and Article 36 of the CRC.

Recommendations

- ***That the Australian Government establish an inquiry into the medical/surgical management of children presenting with gender dysphoria including an examination of funding sources and other factors influencing the rapid adoption of gender affirmation as best practice.***

Conclusion

The disingenuous application of an equality narrative that fails to heed physiological realities is increasingly resulting in the manipulation of legal and policy frameworks and the dismantling of services and provisions established for the protection and advancement of women and children. This is evident in the increasing use of discrimination, domestic violence and family laws against women by male perpetrators of violence and abuse and in the loss of women's refuges and support services and safe spaces for females generally. The members of the Women's Human Rights Campaign recommend that the Australian Government urgently review its approach to these matters and endorse and implement the provisions of the Declaration on Women's Sex-Based Rights as a matter of priority.

²⁴ [Littman L \(2018\) Parent reports of adolescents and young adults perceived to show signs of a rapid onset of gender dysphoria. PLoS ONE 13\(8\): e0202330. https://doi.org/10.1371/journal.pone.0202330](https://doi.org/10.1371/journal.pone.0202330)

²⁵ [Dagny on social media, gender dysphoria, 'trans youth,' and detransitioning](#)