



## **Feminist Legal Clinic Inc.**

PO Box 273, Summer Hill NSW 2130

Mobile: 0402 467 476

[www.feministlegal.org](http://www.feministlegal.org)

ABN: 17 360 484 300

Gender Equality, Disability and Social Inclusion Branch  
 Department of Foreign Affairs and Trade  
 RG Casey Building, John McEwen Crescent  
 Barton, ACT 0221  
 By email: [gender.equality@dfat.gov.au](mailto:gender.equality@dfat.gov.au)

18 September 2023

### **Submission on a new International Gender Equality Strategy.**

Feminist Legal Clinic Inc. is a community legal service established to advance the human rights of women and girls. We are also the Australian country contact for Women's Declaration International. We welcome the opportunity to make this brief submission.

#### **1. What are international gender equality priorities?**

We recommend that the Australian Government should sign and adopt the priorities set out in the Declaration on Women's Sex-Based Rights, which are as follows:

- [Article 1: Reaffirming that the rights of women are based upon the category of sex](#)

The top priority must be to reverse any commitment to extreme gender ideology which conflates socially constructed and fluid concepts of 'gender' or 'gender identity' with 'sex', which is an immutable biological reality. To avoid ongoing confusion DFAT should rename this strategy the 'International Sex Equality Strategy'. Once it is understood that the strategy is to advance women's sex-based rights, rather than the rights of men with a fetish and are bent on undermining all that feminism has achieved, then real progress might be possible.

- [Article 2: Reaffirming the nature of motherhood as an exclusively female status](#)

The next top priority must be to stop the inhumane removal of children from their mothers, whether by means of the care and protection system, international surrogacy arrangements, inhumane application of immigration laws or the operation of family law and the Hague Convention against Child Abduction. There must be a strong presumption in favour of children being retained in the care of their mothers. This should only be rebutted by strong evidence that a mother is unfit or unwilling, even when given access to appropriate support. This support should include adequate independent income, free health care and housing and effective legal protection from violent males.. Working within Australia and internationally to put in place laws that

protect and support mothers and their ability to safeguard children must be a priority. Male entitlement, whether based in genetics, contractual agreement or other laws, should never trump the right of a child not to be separated from its mother.

- [Article 3: Reaffirming the rights of women and girls to physical and reproductive integrity](#)

Australian governments should implement the Nordic Model to address the evils of prostitution in our society. The Nordic Model criminalises those who purchase sex and those who benefit from the exploitation of mostly women and girls in prostitution, but decriminalises prostituted individuals. This is known as ‘asymmetric criminalisation’. Exploited women are freed from any threat of prosecution but those responsible for their exploitation may face consequences for their unconscionable behaviour. The Nordic Model has already been adopted in Sweden, Norway, Iceland, Ireland and Canada.

Furthermore, our governments must ban all use of surrogacy by Australian citizens to stop the increasing commodification of women and children. Our governments must enforce existing laws against commercial surrogacy agreements involving the exploitation of impoverished women in foreign countries. This must be done by conscientiously prosecuting those who enter into these contracts rather than simply rubber stamping these arrangements when couples return with a baby ‘purchased’ overseas. The use of impoverished women as breeding vessels is extraordinarily cruel to both women and children and the Australian Government has an essential role to play in stopping this trade.

- [Article 4: Reaffirming women’s rights to freedom of opinion and freedom of expression](#)

Both within Australia and globally, more must be done to uphold the rights of women who speak out in opposition to extreme gender ideology and who are currently having their livelihoods and reputations destroyed and their safety put at risk.

Whistle blower legislation must be applied for the protection of those who attempt to defend women’s sex-based rights. Regulatory bodies must be taken to task for imposing a regime of extreme censorship and bias in media reporting on trans related matters. Agencies responsible for disciplining health professionals need to direct their efforts at those practitioners responsible for sterilising and mutilating young and vulnerable people, rather than persecuting those who bravely voice opposition to these harmful ‘gender affirming’ interventions. Meanwhile, our law enforcement authorities must uphold women’s rights to protest safely without being physically attacked and must conscientiously prosecute assaults and threats directed at feminist women derided as “TERFs”. Police need to prioritise the safety of women and children rather than intimidating women for posting protest stickers.

- [Article 5: Reaffirming women’s right to freedom of peaceful assembly and association](#)

With the support of our political and legal systems, extreme trans rights activists have been able to intimidate lesbians out of holding public meetings and events. Same sex attracted women feel they can no longer assemble freely in Australia, without the presence of males who also identify as lesbians. As a result, lesbian-only venues are

no longer available and lesbian groups have been forced to hide once again in the shadows of society. The much-applauded gains achieved in the name of same-sex marriage mean nothing if same-sex attracted women have no safe spaces in which to socialise and meet potential partners.

- [Article 6: Reaffirming women's rights to political participation on the basis of sex](#)

As Moira Deeming from the Liberal Party and Linda Gale and Rohan Leppert from the Greens can testify, people from across the political spectrum are subjected to extreme opprobrium if they attempt to speak out against trans rights activism and advocate for women's sex-based rights. These individuals have each endured significant reputational damage and their well-publicised experiences have served to discourage others from also speaking out. Women's right to political participation is undermined in an environment where the very definition of 'woman' is considered hate speech and sufficient to have you labelled a Nazi and cancelled.

- [Article 7: Reaffirming women's rights to the same opportunities as men to participate actively in sports and physical education](#)

Unfortunately, despite clear exceptions for sport contained in our discrimination legislation, the *Guidelines for the inclusion of transgender and gender diverse people in sport* issued by the AHRC in 2019 managed to muddy the waters and resulted in many Australian sporting codes adopting policies for the inclusion of trans identifying males in women's sporting activities, at all levels. On average, male people have a distinct power and strength advantage over women and their 'inclusion' in women's sport is both unfair and potentially dangerous.

- [Article 8: Reaffirming the need for the elimination of violence against women](#)

The presence of a violent male in a household is often the grounds for a child's removal by child care and protection services. Instead, these services should remove the violent man or, at the very least, provide safe relocation of the mother and child to secure and supported accommodation. Unfortunately, safe spaces for women and children are being quietly dismantled around Australia with women's refuges, domestic violence counselling services and courthouse safe rooms increasingly admitting men. If they claim to be women, and regardless of their appearance, it is hazardous for staff to exclude 'female-identifying' individuals without placing the service in potential breach of anti-discrimination legislation. In practice, it is no longer possible for even domestic violence workers to keep spaces exclusively for women and children. Increasingly men are claiming to be victims of domestic violence, weaponizing this legislation against their victims and making first claim to the use of support services. Legislation that was introduced with the purpose of protecting women is increasingly weaponised against them by men, while manifest physical and financial disparities are ignored.

- [Article 9: Reaffirming the need for the protection of the rights of the child](#)

Aside from children's exposure to violence and abuse in homes where mothers have insufficient support from the legal system to keep them safe, we are also seeing many young people who have been seduced into a belief that they were 'born in the wrong body'. Many social media actors promote 'gender transition' as the solution for adolescents struggling with rapidly changing bodies and the need to establish a secure

and stable identity. Our service supports several distressed young women who have ‘detransitioned’, having deeply regretted the medical and surgical interventions into which they were fast-tracked during a period of vulnerability. Australian governments need to intervene as a matter of priority to prevent more young people having their lives destroyed in this way.

## **2. What are the most effective approaches for achieving gender equality globally?**

An effective approach is to ask how any given policy will advance the liberation of women? For example, will allowing males who identify as women into women’s sports, toilets, domestic violence shelters and prisons, work to liberate or otherwise advance the interests of women? The answer to this question is clearly a resounding ‘No’. Indeed, the Government should instead proceed to repeal laws and abandon policies that compromise women’s sex-based rights, such as the 2013 ‘gender identity’ amendments to the *Sex Discrimination Act 1984* (Cth) and the AHRC’s *Guidelines for the inclusion of transgender and gender diverse people in sport*. These laws and policies are based on the fraudulent premise that it is possible to change sex – a premise that mocks the sacrifices made by thousands of women in years past to achieve equity in a male-dominated patriarchal society.

The Government needs to fund women’s organisations that are not captured by toxic gender identity ideology and appoint women with a clear understanding of the meaning of ‘sex’ to positions of leadership, as a matter of priority. Only then can we begin to restore the sex-based rights that have been dismantled by stealth over the past several decades by an aggressive and well-resourced international trans rights movement.

## **3. How can Australia best support efforts to achieve gender equality internationally?**

In a world increasingly engulfed by gender identity ideology, Australia should work to take a lead and emerge as a voice of reason in a time of madness. Australia must step in now to stop further sterilisation and mutilation of young Australian women afflicted by doubts about their ‘gender identity’. Australia cannot condemn female genital mutilation and sex change surgeries intended to ‘trans the gay away’ in foreign jurisdictions while effectively passing legislation condoning it in our own home.

It is best to lead by example, rather than expecting other countries to uphold rights that we fail to properly protect here in Australia. Australia could signal its commitment internationally by signing the Declaration on Women’s Sex-Based Rights and making appropriate legislative and policy changes to facilitate the implementation of its nine articles as a matter of priority.

Australia should also invite the current United Nations Special Rapporteur for Violence against Women, Reem Alsalem, to visit and provide her recommendations, with a focus on tackling problems in the Australian Family Court that are part of a global crisis for women and children. The Government must urgently introduce a presumption that mothers who are primary carers should retain care of their children. This is essential to combat the tendency of Australian Family Court judges to

disregard the desperate pleas of mothers and instead remove their children and place them with fathers who are violent offenders.<sup>1</sup>

**4. What should the government/ DFAT consider when developing the new international gender equality strategy?**

The patriarchy is alive and well today. ‘Gender’ has subsumed ‘sex’ and, although the unwitting masses still think of the term as nothing more than a polite euphemism for sex, in reality a powerful activist minority has succeeded in changing law and policy around the world to enable males to legally claim to be women..

Sex-based equality has now been cleverly repackaged in terms of ‘gender’, allowing men who identify as women to bolster their advantage at the expense of female born people. They can now access programs, facilities, services, and opportunities that women fought long and hard to reserve for the female sex.

This is not equality. The suffragettes would be appalled. Women of the mid 20<sup>th</sup> century Women’s Liberation Movement are devastated. One of Australia’s most notable female academics, the iconic Dr Germaine Greer, is watching the changes she helped bring to the lives of women worldwide being brazenly repossessed by men in dresses.

If the Department of Foreign Affairs and Trade is truly committed to a strategy that promotes equality between men and women, it must be clear on the distinction between them. Rather than contributing to the further derogation of women’s rights by allowing gender identity ideology to guide its policy, the department must acknowledge the realities of sex-based inequality and work positively to address them.

Please do not hesitate to contact us if you would like us to expand on any element contained within this submission.

Yours faithfully



Anna Kerr  
Principal Solicitor  
Feminist Legal Clinic Inc.  
*Organization in Special Consultative Status with the Economic and Social Council (ECOSOC) since 2023.*

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<sup>1</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/ajs4.171>