Stakeholder submission to the Fourth Universal Periodic Review of Australia, 2025 Submitted by a coalition of Australian feminist organisations to the United Nations Human Rights Council 17 July 2025

We are a coalition of independent feminist organisations representing groups from across Australia and united in our growing alarm over the erosion of women's rights in Australia. All our groups advocate for the protection of women and girls, especially in domains where we face discrimination or vulnerability because of our sex.

We commend efforts by Australian governments to improve reproductive rights, address male violence against women and girls, tackle disadvantage faced by Indigenous and migrant women, and reduce the gender pay gap; however, as this stakeholder submission demonstrates, rather than meeting its CEDAW obligations Australia has enacted laws and is driving policy changes that have actively dismantled core rights and protections for women and girls. This goes far beyond simple 'backtracking': it marks a clear reversal of CEDAW's foundational purpose – as an international human rights treaty – to guarantee women's rights and substantive equality in all areas of life. The Government's actions stand in direct contradiction to its public rhetoric about advancing women's rights, with newly introduced laws and policies erasing protections and undermining meaningful equality for women and girls.

In February 2024, a number of our organisations wrote jointly to the CEDAW Committee to raise concerns about the erosion of women's sex-based protections in Australian law.[1] That letter explained how sex self-identification laws had been introduced across multiple jurisdictions without adequate safeguards or consultation, leaving Australian women uncertain about the status and enforceability of our legal rights. We urge the Human Rights Council to read that letter alongside this submission, which updates and expands on the letter's key concerns.

CEDAW Articles 2 and 3: Legal uncertainty about the status of women in Australia

Legal certainty is a core requirement of the rule of law and a necessary condition for the realisation of women's rights. Under Articles 2 and 3 of CEDAW, States must ensure that rights are not only recognised in law, but that they are also clear, accessible, and enforceable, especially where women are vulnerable on the basis of our sex.

Yet in Australia, that clarity no longer exists. The Australian Human Rights Commission (AHRC), the national institution charged with upholding women's rights, has acknowledged

[1] Sex self-ID and the erosion of women's rights: an Australian coalition's letter to CEDAW.

in its own submissions (including its amicus brief to the Federal Court in *Tickle v Giggle*) that the interaction between sex-based protections and rights and gender identity laws is now legally unresolved.[2] Despite this, neither the AHRC nor the Government has taken steps to clarify the law. Instead, the burden has fallen on individual women to pursue expensive and distressing litigation simply to determine whether their rights still exist. This inaccessibility constitutes a serious barrier to the exercise of those unresolved rights.

> *We urge the HRC to require the Australian Government to make explicit in law that, for the purposes of all legislation and policy, women in Australia are entitled to sex-based protections in areas of recognised vulnerability – including crisis services, hospital wards, prisons, change rooms, sport, and cyberspace – and that these protections are reserved exclusively for those of the female sex by birth, not extended on the basis of gender identity or legal status.*
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> *We also ask the HRC to recommend that the Government and the Sex Discrimination Commissioner formally investigate the impact of sex self-ID laws on women and girls and identify where sex-based protections and rights have been compromised, and that the HRC recommend the repeal or amendment of conflicting laws and policies.*
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> *We ask that the HRC recommend that the AHRC exercise the powers available under the* Australian Human Rights Commission Act 1986 *to provide clear public guidance on the lawful use of sex-based distinctions reserved exclusively for the female sex by birth and not extended on the basis of gender identity or legal status.*

Loss of female-only services and spaces

Our groups are concerned that the loss of legal clarity is especially impacting women who are among the most vulnerable and least able to bring legal challenges, such as in detention, in crisis accommodation, and in trauma-informed care settings such as shelters from male violence and rape crisis centres.

Correctional services

In previous reporting cycles, the Australian Government assured the CEDAW Committee that male and female prisoners were housed separately in Australian prisons, in line with international standards.[3] This practice is essential to protect female prisoners, many of whom are victimes of sexual violence, trauma, and socio-economic disadvantage.

However, in the context of legal ambiguity surrounding the definition of 'woman' in law, there are now credible reports that at least one jurisdiction has allowed male-bodied individuals to be housed in women's prisons on the basis of self-declared gender identity.[4] In one case,

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[2] Submissions of the Sex Discrimination Commissioner to the Federal Court of Australia in Roxanne Tickle v Giggle for Girls, Federal Court of Australia, August 2023.
[3] List of issues and questions in relation to the eighth periodic report of Australia, Replies of Australia to CEDAW, Australian Government, March 2018. List of issues and questions in relation to the eighth periodic report of Australia, para 138.
[4] Demand the removal of men from women's prisons in Victoria, Women's Forum Australia.

female prisoners petitioned for the removal of a male-born sex offender from their unit, expressing fear and retraumatisation.[5] Authorities did not act.

> *We urge the HRC to specifically inquire about that instance and ask the Australian Government to reaffirm an in-principle commitment to housing biological male and biological female prisoners separately.*

Rape crisis shelters and services

We note that the Australian Government has reported to the CEDAW Committee that Australia has allocated resources to ensure "women-only and women-led support services for victims of gender-based violence."[6] We commend this allocation, particularly given the alarmingly high rate at which women in Australia are killed by men, but we remain concerned that current funding levels still fall short of what is needed to address the crisis effectively.

However, we are also concerned that without explicit, statutory protection, biologically defined women-only services are not categorically lawful in Australia. Instead, women and service providers are left exposed, forced to litigate just to secure access to services that should be unambiguously protected by law. This legal arrangement does not deliver CEDAW-compliant substantive equality; instead, it entrenches disadvantage and procedural inequality for women and girls in a policy environment where governments will not even acknowledge that mixed-sex service models compromise the safety, dignity or recovery of women, and are open to misuse. (See the Queensland Government report to the Inquiry into the Births, Deaths and Marriages Registration Bill 2022).[7]

> *We urge the HRC to recommend that the Australian Government affirm, as a matter of principle, that single-sex services for females by birth, including rape crisis centres, domestic violence shelters, and other trauma-informed support services, are lawful, appropriate, and consistent with Australia's obligations under CEDAW. The Government should also ensure that these services are protected from legal uncertainty or threats to funding, and should issue clear national guidance confirming that service providers are permitted to offer female-only care where this is necessary to support the safety, dignity, privacy, and recovery of female survivors of male violence.*

Data

We are concerned that changes in data collection practices across Australian jurisdictions are compromising the visibility of sex-based harm. Accurate, disaggregated data by sex is essential for identifying patterns of discrimination and male violence against women, as required under Article 2 of CEDAW and General Recommendation 9. Australia may now be

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[5] Herald Sun, "Inmates reject trans prisoner guilty of sex attacks on females," Women inmates demand removal of trans prisoner guilty of attacking females while a man.

[6] Eliminating discrimination against women in Australia – seeking feedback, Department of Prime Minister and Cabinet, September 2024. See the draft at Draft of the Ninth periodic report submitted by Australia under article 18 of CEDAW

[7] Department of Justice comments, p.16 in Report No. 41, 57th Parliament Legal Affairs and Safety Committee (Queensland) February 2023, Inquiry into the Births, Deaths and Marriages Registration Bill 2022, p.16

in breach of these obligations in jurisdictions that allow individuals to change the sex marker on official records based on self-declared gender identity.

This undermines the ability to track male violence against women and girls, distorts the evidence base for women's policy and services, and impairs Australia's capacity to monitor compliance with our CEDAW obligations.[8] It also makes it harder to measure outcomes for both sexes, contrary to best-practice standards and the basic principle that policy should reflect material reality.

> *We urge the HRC to recommend that the Australian Government and relevant authorities investigate, as a matter of urgency, the impact of gender self-identification laws on the integrity of sex-based data. Where sex-disaggregated data collection has been compromised, past practices should be reinstated to ensure that Australia can meet its obligations under Article 2 of CEDAW and maintain an accurate, sex-based evidence base for policy, research, and accountability.*

CEDAW Article 4: Special measures

We are concerned that the Australian Government no longer properly understands or supports the use of special measures for women as envisaged under Article 4 of CEDAW, that is, measures intended to advance substantive equality for women. In recent years, Australian authorities, including the Australian Human Rights Commission (AHRC), have redefined the grounds for special measures to prioritise gender identity over biological sex.

This shift is illustrated by the AHRC's refusal to support the Lesbian Action Group's (LAG) request to hold female-born, lesbian-only meetings,[9] and by the Sex Discrimination Commissioner's amicus brief in *Tickle v Giggle*, now before the Federal Court.[10] In both cases, the Commission treated women's sex-based claims to measures necessary to ensure the privacy and safety of females (in cyberspace or in physical meetings, in the LAG case) as inferior to claims based on gender identity. This approach effectively reinterprets CEDAW in a manner that is neither grounded in the Convention nor supported by international human rights law. As the UN Special Rapporteur on violence against women and girls has affirmed, rights on the basis of sex must not be subordinated to other non-discrimination grounds.[11]

We are also concerned by the Government's treatment of general policies that benefit women, such as the Fee-Free TAFE initiative, as if they constituted special measures under

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[8] See, for example, where the Australian Bureau of Statistics reports a 38% increase in the rate of female sexual assault and related offences in 2020-21 albeit from a low base; see also Parliamentary Joint Committee on Human Rights, Inquiry into Australia's Human Rights Framework, Submission 177 by Women's Rights Network Australia.

[9] Australian Human Rights Commission, Notice of decision on application for temporary exemption: Lesbian Action Group, October 2023.

[10] Submissions of the Sex Discrimination Commissioner to the Federal Court of Australia in Roxanne Tickle v Giggle for Girls, Federal Court of Australia, August 2023.

[11] Special Rapporteur decries Australia's Federal Court ruling further eroding rights to female-only spaces, September 2024.

the *Sex Discrimination Act 1984* (Cth),[12] rather than as ordinary policy responses to disadvantage.[13]

> *We urge the HRC to recommend that the Australian Government publicly reaffirm the validity and necessity of special measures based on sex under both Article 4 of CEDAW and section 7D of the* Sex Discrimination Act 1984 *(Cth). The Government should ensure that such measures, including female-only initiatives and services, are properly recognised, clearly distinguished from general policy programs, and supported in law and practice. We further recommend that the HRC ask the Australian Human Rights Commission to clarify its position on sex-based special measures and to ensure that sex is not treated as a subordinate ground in the implementation of Australia's equality framework.*

CEDAW Article 5: Stereotypes

While we acknowledge and commend some government efforts to challenge gender stereotyping in the workplace, we remain deeply concerned that similar attention has not been paid to the persistence of gender stereotyping in education, particularly in schools.

Under current government education protocols and policies, young people who express preferences that are non-aligned to the traditional social norms of their biological sex, including those relating to clothing style, hairstyle, behaviour, toys, and sports, are invited to consider that they might actually be 'trans'.[14] Gone is the emphasis on encouraging children to understand that 'pink for girls' and 'blue for boys' reflects traditional stereotypes and that everyone should be free to express themselves without conforming to them. The teaching of gender ideology enforces gender stereotypes, it does nothing to dislodge them. (Of course, this problem extends beyond Australia, and includes for example, the WHO's criteria for childhood gender incongruence, which relies on stereotypes such as "preferences for toys or activities considered typical of the experienced gender rather than the assigned sex".[15])

Some critics have wrongly labelled our opposition and that of other progressive feminists to the teaching of gender identity in schools as conservative prejudice, but our concern is misrepresented. Our groups have long been opposed to harmful sex stereotypes for women and men, in agreement with Article 5(a) of CEDAW. We also note that early exposure to gender ideology may predispose children to controversial medical interventions. Accordingly, we urge the HRC to press Australia to closely investigate the implications of the teaching of gender ideology in preschools and schools, to ensure curriculum does not reinforce regressive stereotypes, and to encourage free thought and inquiry across the topic of sex stereotypes.

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[12] *Sex Discrimination Act 1984* (Cth)
[13] Eliminating discrimination against women in Australia – seeking feedback, Department of Prime Minister and Cabinet, September 2024. See the draft at Draft of the Ninth periodic report submitted by Australia under article 18 of CEDAW.
[14] See for example, Gender diversity, Be You; Safe and Inclusive Schools ACT: Resources, A Gender Agenda; Guide to supporting a student to affirm or transition gender identity at school, Student Wellbeing Hub, Department of Education.
[15] Gender incongruence and transgender health in the ICD, World Health Organisation.

We urge the HRC to press the Australian Government to investigate the implications of teaching gender ideology in preschools and schools, to ensure that curriculum does not reinforce regressive gender stereotypes, and to encourage free thought and inquiry across the topic of sex stereotypes.

CEDAW Article 6: Trafficking and prostitution

We acknowledge the range of anti-trafficking measures reported by the Australian Government and commend recent increases in funding to support victims; however, these efforts remain inadequate relative to the scale of the problem, which official data shows is growing. What concerns us most is the Government's ongoing failure to confront the systemic drivers of trafficking, particularly the expanding legal and policy frameworks that normalise the commodification of women and our bodies.

Across several states, the decriminalisation of prostitution, including protections for pimps and brothel owners, has created an environment where exploitation can flourish. The NSW Government's recent removal of laws preventing people from living off the earnings of another person's prostitution is a striking example. Evidence from New South Wales already links the sex trade to organised crime, and the expansion of 'sex work is work' rhetoric ignores that many women enter or remain in prostitution under conditions of coercion, trauma, or economic pressure. Aboriginal and Torres Strait Islander women and migrant women are especially at risk. We were disappointed that the Australian Government did not support the recent report on Prostitution and violence against women and girls by the UN Special Rapporteur on violence against women and girls.[16]

We urge the Council to recommend that the Government assess the impact of decriminalisation policies and consider a transition to the Nordic Model, which criminalises buyers and profiteers while supporting women to exit prostitution safely.

We ask the Council to convey to the Australian Government our concerns that the current framework is not working and that reducing prostitution to a commercial transaction emboldens exploitative behaviours and commodifies females and our bodies as a norm.

Surrogacy

Similar concerns arise in the context of surrogacy. Australia's surrogacy laws are fragmented and inadequate, leaving women and children exposed to exploitation and commodification.[17] While commercial surrogacy is banned domestically, weak enforcement and legal loopholes allow Australians to pursue overseas arrangements, often in countries with minimal protections.[18]

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[16] A/HRC/56/48: Prostitution and violence against women and girls - Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem | OHCHR

[17] See *Broken Bonds: Surrogate Mothers Speak Out*, by Jennifer Lahl, Melinda Tankard Reist, and Renate Klein (eds.)

[18] See *See Towards the Abolition of Surrogate Motherhood*, by Marie-Josèphe Devillers and Ana-Luana Stoicea-Deram (Eds)

Since 2010, over 3,000 children have been born via overseas surrogacy to Australian parents – yet not a single prosecution has occurred under state laws criminalising the practice, despite clear evidence of harm.[19] In effect, Australia's enforcement is symbolic, rendering these laws ineffective as real deterrents. The legal application of citizenship and parentage by the Australian Courts is often a post-hoc approval of exploitation of women being used in surrogacy arrangements. These overseas surrogacy markets typically recruit economically disadvantaged women, subjecting them to invasive procedures, coercion, and, in some cases, trafficking and abuse. Scandals such as that surrounding the Mediterranean Fertility Institute in Crete have revealed Australian brokers' involvement in the exploitation of surrogates.[20]

> *We urge the HRC to call on the Australian Government to harmonise and strengthen national surrogacy laws to prohibit all surrogacy, enforce existing bans, and take action against brokers operating in breach of international obligations, including under the Palermo Protocol.*

CEDAW Article 7: Participation in public life

In March 2023, the CEDAW Committee asked the Australian Government for an update on progress towards removing the requirement for transgender women to obtain legal recognition of their gender.[21] The Government reported that most States and Territories have enacted or are amending their Births, Deaths, and Marriages Registration Acts to meet these demands.

What the Government did not explain – but which should be of critical concern to the HRC – was that these amendments were developed with little or no meaningful consultation with Australian women. This is a breach of Australian women's right to participate in the development of policies and laws that affect us. Women have been repeatedly denied the opportunity to engage in discussion on the definition of womanhood and how its redefinition undermines protections necessary to guarantee women's rights to non-discrimination.

In Queensland, for instance, the Government began closed consultations with LGBTQIA+ groups in 2018, involving women's groups only in 2022 after public pressure and with just a

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[19] Medallist launches surrogacy case book (2024) and Surrogacy overseas.

[20] The Mediterranean Fertility Institute (Crete) scandal involved Australian agencies marketing surrogacy services linked to trafficking allegations. The scandal involved allegations of surrogates being trafficked across borders, unpaid, and exploited under fraudulent surrogacy arrangements marketed to international clients, including Australians. Australian brokers were implicated in promoting these services despite ethical concerns. The clinic allegedly exploited 169 women from countries like Ukraine and Georgia, forcing them to act as surrogates or egg donors while keeping them under surveillance. Australian couples were among the primary clients due to Greece's previously liberal surrogacy laws.

[21] This request was included in the Committee's 'List of Issues and Questions' provided to Australia on 6 March 2023, ahead of the submission of Australia's ninth periodic report. The Australian Government's response to this request is reflected in its draft periodic report submitted in September 2024. See Draft of the Ninth periodic report submitted by Australia under article 18 of the Convention on the Elimination of All Forms of

single information session.[22] In NSW, the responsible MP consulted with LGBTQIA+ advocacy groups from early 2023, while the Women's Rights Network Australia – a national feminist group – only received the bill in April 2024.[23] In Western Australia, the Law Reform Commission developed relevant amendments in consultation with LGBTQIA+ groups and select stakeholders, but not with women's advocacy groups.[24]

The Queensland process allowed for public submissions (385 in five weeks over Christmas/New Year). The NSW bill was referred to a parliamentary committee, but the committee did not invite public submissions, limiting involvement to an online survey.[25] It belatedly agreed to hold public hearings, but by invitation only. In Western Australia, calls for a parliamentary committee review were rejected, and the bill was presented as an emergency health measure with strict time limits for debate.[26]

The opaque and hasty approaches taken across multiple jurisdictions have violated the human rights of all citizens to freedom of expression to "seek, receive and impart information and ideas of all kinds" (art 19, ICCPR) and the rights of women in particular to participate in policy formation (art 7 CEDAW).

> *We urge the HRC to ask the Australian Government to provide a public summary of its consultation practices across all jurisdictions. We further recommend that the Government revisit and review legislation that has been drafted or enacted without adequate consultation with women, and establish transparent and inclusive processes to ensure women's full participation in any future reforms affecting sex-based protections and rights.*

No debate

We are concerned that the Australian Government continues to deny an open debate on women's sex-based protections and rights. In September 2024, the Leader of the Government in the Senate, concurrently the Minister for Women, blocked[27] the first reading of a bill to amend the Sex Discrimination Act through a proposed SDA Amendment (Acknowledging Biological Reality) Bill 2024.[28] The bill was to debate the requirement for the definition of biological sex in the SDA. The actions of the Government to block the first reading of the bill contravened standard parliamentary practice, where first readings are typically allowed as a matter of course.

Whatever the Minister's views of the bill's sponsor as a political opponent, it is deeply concerning that Government ministers and Members of Parliament are apparently unable or unwilling to conduct a respectful debate about the definition of a legal term that is central to multiple legal disputes and the operation of women's sex-based protections and rights. The

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[22] See statements of reservation contained in Inquiry into the Births, Deaths and Marriages Registration Bill 2022, Report No. 41, 57th Parliament Legal Affairs and Safety Committee, Queensland Parliament, February 2023.
[23] Submission 38 – Women's Rights Network Australia
[24] Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024.
[25] Equality Legislation Amendment (LGBTIQA+) Bill 2023
[26] Parliamentary Debates (Hansard) Forty-first Parliament, first session 2024, Legislative Council, Tuesday, 10 September 2024, pp 4119.
[27] Hansard - Senate, Parliament of Australia, September 2024.
[28] SDA Amendment (Acknowledging Biological Reality) Bill 2024

Government's refusal to even allow a reading of the bill has sent a chilling message to women and to the wider public: that the law cannot be questioned, even in Parliament.

These developments are antithetical to Article 7 of CEDAW, which protects women's right to participate in political and public life. They also raise serious concerns under Article 19 of the ICCPR, which guarantees the freedom to "seek, receive and impart information and ideas of all kinds." Women in Australia are now deterred from exercising these rights.

> *We urge the HRC to ask the Australian Government to explain why it is unable or unwilling to lead a respectful, informed public debate on women's sex-based protections and rights, particularly in relation to the Sex Discrimination Act. We further ask the Committee to seek clarification on what safeguards are in place to ensure that women in Australia* can *engage in political discourse, including in Parliament, on matters affecting our rights without fear of censorship, exclusion, or reprisal.*

In the February 2024 letter to the CEDAW Committee, we documented a pattern of employment loss, deplatforming, and reputational harm experienced by Australian women for expressing views critical of gender ideology, or for defending our sex-based protections rights. The situation has not improved. While a few women have successfully defended their rights through the courts, new cases continue to emerge and the cumulative effect has been a profound chilling of women's political speech.

This climate is compounded by the growing use, and expansion, of vague hate speech laws across multiple jurisdictions. Terms such as 'offend' and 'vilify' remain poorly defined in statute and are often interpreted without procedural safeguards. The effect is that women cannot know in advance whether our advocacy for sex-based protections and rights might result in complaints or legal sanction. Litigation may eventually clarify the scope of these laws – but at immense personal and financial cost to the women involved.

> *We also ask the HRC to recommend that the Government commission an independent review of the interaction between anti-discrimination and hate speech laws and women's political rights, including whether current legal settings are consistent with CEDAW and the ICCPR.*

CEDAW Articles 10(g) and 13(c): Women's participation in sport

Australia is falling short of its obligations under Articles 10(g) and 13(c) of CEDAW, which require States to ensure women's equal opportunities in sport – including in participation, safety, and leadership.

Across Australia, women and girls are losing opportunities to participate in sport, as individuals born male but who now self-identify as female enter and dominate female competitions.[29] Concerns about safety and male physiological advantage are prompting

[29] Breanna Gill causes transgender debate after winning an Australian Women's Tour, *Golf Monthly*, 4 April 2023; Aussie trans surfer makes history by winning title as a woman three years after taking out the same competition as a man, *Daily Mail*, 20 May 2022. See, also, Thousands of complaints filed after trans Youtuber allowed to play on women's football league reportedly injured players, Reduxx, 1

many females to self-exclude, undermining their right to fair and meaningful participation in female-only sport.

Although the Sex Discrimination Act includes a permanent exemption allowing for sex-based exclusions in female competitive sport where males have a physiological advantage, government-funded human rights and sporting institutions have discouraged or misrepresented its use. In 2019, the Australian Human Rights Commission (AHRC) and the Australian Institute of Sport issued guidelines that effectively dissuaded sporting bodies from applying the exemption.[30] The consultative process behind these guidelines involved individual trans-identified athletes and LGBTQIA+ organisations, but excluded women's advocacy and parent groups, undermining Article 7 of CEDAW, which guarantees women's right to participate in public and political life.[31]

It is deeply concerning that the AHRC – the national body responsible for protecting women's rights under international law – has failed to fulfil its positive duty to ensure that this permanent exemption is properly understood, implemented, and actively promoted across national sporting institutions.

> *We ask that the HRC urge Australia to actively promote and clarify the permanent exemption in the Sex Discrimination Act that allows for female-only categories in competitive sport where relevant. The Government should also direct the Australian Human Rights Commission and sporting bodies to revise their guidelines so they accurately reflect the law and protect women's sport. Furthermore, it is essential that all policy development affecting women's participation in sport includes meaningful consultation with women's advocacy groups.*

Government policy breaching CEDAW

In September 2024, the Australian Government announced a National Gender Equity Sports Governance Policy that directly breaches our obligations under CEDAW and the SDA.[32] The policy sets targets for 50% representation of "women or gender diverse people" on boards, as chairs or deputy chairs, and across key subcommittees of national sporting bodies. By conflating 'women' and 'gender diverse people' into a single category, the policy reduces the number of governance roles guaranteed specifically for women.

This approach undermines women's equal opportunity to participate in leadership and decision-making in sport, contrary to CEDAW Articles 10(g) and 13(c). It also sidesteps the intent of section 7D of the Sex Discrimination Act, which permits special measures for the advancement of women, and appears inconsistent with the *Equal Employment Opportunity*

April 2023; Women's soccer team featuring FIVE trans players destroys opposition 10-0 on way to winning grand final - with one biological male scoring SIX goals in one, *Daily Mail*, 27 March 2024; Not-so-jolly hockey sticks. Why are women expected to play against men in Canberra's female hockey comp? Affiliation of Australian Women's Action Alliances, June 2024.

[30] Transgender & Gender-Diverse Inclusion Guidelines for HP Sport, Australian Sports Commission, May 2023; See, also, Australian sport's transgender policy is still as clear as mud, *Sydney Morning Herald*, June 2023.

[31] Did ACON Cook the Books On Sport Inclusion Guidelines? Lady Kit Kowalski; Inclusion in sport must not come at the expense of safety, fairness, or the right to privacy and dignity in changerooms for women and girls, Submission to the UN Special Rapporteur on violence against women and girls, Affiliation of Australian Women's Action Alliances, April 2023.

[32] National Gender Equity in Sports Governance Policy

(Commonwealth Authorities) Act 1987, which defines a woman as "a member of the female sex."

> *We urge the HRC to ask the Australian Government to why it failed to assess the compatibility of the National Gender Equity Sports Governance Policy with its legal obligations under the SDA and CEDAW, and to revise the policy immediately to ensure that initiatives designed to promote gender equity do not further marginalise women.*
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> *We further ask the HRC to recommend that the Australian Governmet affirm and actively promote the sex-based sporting exemption in the* Sex Discrimination Act 1984*, and ensure national sporting bodies are supported to understand and apply it. It should also undertake an independent review of female participation in sport, including the impact of gender identity policies on the safety, inclusion, and opportunities of women and girls.*

Insufficient consultation time for CEDAW response

The issues outlined so far should have raised significant concern for the HRC about Australia's commitment to the protection and rights of Australian women. Perhaps the final say, however, should go to the Australian Government itself in its decision to allow only 21 days for public consultation on its response to the CEDAW Committee's list of issues for our ninth periodic report to the CEDAW committee's list of issues and questions for Australia's ninth periodic report to CEDAW – a period that is wholly inadequate for meaningful engagement by civil society organisations, like ours, which are grassroots, run by volunteer women, and which lack paid staff.[33]

The tragedy of this situation is that it is in the interest of all Australian citizens to ensure our laws function as effectively and fairly as possible. We urge the HRC to consider the submissions and statements made by women on these issues when and if we are given the opportunity.[34]

> *We urge the HRC to ask the Australian Government directly how it justified providing only 21 days for public consultation on its response to the CEDAW Committee's list of issues, particularly given the barriers this creates for meaningful participation by grassroots, volunteer-led women's organisations.*

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[33] The Office of the High Commissioner for Human Rights (OHCHR) encourages member states to allow for extensive civil society participation in preparing national reports. In its General Guidelines for the Preparation of State Reports, see Follow-up to Human Rights Council resolution 5/1, (A/HRC/DEC/6/102).

[34] Report No. 41, 57th Parliament - Births, Deaths and Marriages Registration Bill 2022, Submissions

SIGNATORIES

Abolish Surrogacy Australia (ABSA)
tinyurl.com/absaus
abolishsurrogacyaustralia@gmail.com

Affiliation of Australian Women's Advocacy Alliances (AAWAA)
womensadvocacy.net
women@womensadvocacy.net

Australian Feminists For Women's Rights (AF4WR)
af4wr.org.au
info@af4wr.org.au

ARMS (Victoria)
coal.org.au
arms@armsvic.org.au

Coalition of Activist Lesbians (CoAL)
coal.org.au
admin@coal.org.au

FINRRAGE (Feminist International Network of Resistance to Reproductive and Genetic Engineering)
finrrage.org
finrrageaustralia@gmail.com

IWD Meanjin Brisbane
tinyurl.com/iwdmeanjin
iwdbrisbanemeanjin@gmail.com

Lesbian Action Group (LAG)
lesbianactiongroup.org.au
lesbian.action.group@gmail.com

Woman Up QLD
www.youtube.com/@WomanUpQLD
womanupqld@gmail.com

Women Speak Tasmania (WST)
womenspeaktas.au
women@womenspeaktas.au

Women's Declaration International (Australia)
womensdeclaration.com
anna@womensdeclaration.org

Women's Rights Network Australia (WRNA)
womensrights.network
australia@womensrights.network