



Submission to the
UN Special Rapporteur on
Violence Against Women and Girls

Violence against mothers
28 January 2026

Violence against mothers remains inadequately recognised in international policy despite overwhelming evidence of its prevalence. The evidence from Australia demonstrates this gap is neither minor nor theoretical: thousands of women are exploited through surrogacy, thousands of mothers lack legal protection from male violence for essential safety services, and thousands are unable to escape male family violence because they fear losing custody of their children. Mothers constitute a distinct group whose experiences of male violence and discrimination demand explicit recognition as a form of sex-based harm warranting dedicated policy attention and legal reform.

This submission draws on documented evidence from Australia to establish that violence against mothers operates through three interconnected mechanisms: male perpetration of reproductive violence against women, male weaponisation of children against mothers, and systematic economic subordination. We demonstrate that liberal legal frameworks fail to adequately address this violence, and that institutional actors frequently enable rather than prevent such harm.

Manifestations of violence against mothers

Violence against mothers in Australia manifests across multiple domains. In intimate relationships, male abusers exploit mothers' fear for their children's safety, including threats of custody loss and contact denial, as a mechanism of ongoing control. Simultaneously, male abusers engage in reproductive coercion, controlling whether, when, or under what conditions a woman becomes or remains pregnant. Some mothers are coerced by men into pregnancy to retain abusive male partners; others are prevented by men from accessing reproductive healthcare or subjected by them to forced abortion. These experiences fundamentally compromise women's capacity to consent to sexual activity or reproductive decision-making.

Beyond intimate relationships, violence against mothers operates through the commercial exploitation of women's reproductive capacity, which is singularly about motherhood. Surrogacy arrangements, whether characterised as 'altruistic' or explicitly commercial,

constitute reproductive violence targeting economically vulnerable women. These arrangements involve invasive medical procedures performed without full informed consent, contractual control over pregnant women's medical decisions (including forced abortion or fetal reduction), significant health risks with inadequate post-pregnancy care, and legal enforcement of child separation. Women recruited into surrogacy are disproportionately economically insecure; payments rarely compensate for risks undertaken.

Violence against mothers also occurs through medical institutions in the form of obstetric violence. Unconsented interventions during pregnancy, labour, and birth, alongside overmedicalisation, coercion, and institutional disrespect, occur with documented frequency in Australia¹. These experiences cause lifelong physical and mental birth trauma.

The structural enabler: Economic dependence and the motherhood penalty

Violence against mothers emerges from systematic conditions of sex-based inequality, most fundamentally through the economic dependence created by motherhood. Mothers in Australia experience a documented and severe "motherhood penalty" that compounds their vulnerability to all forms of violence. Women's earnings fall by an average of 55 per cent in the first five years of parenthood, with significant earnings gaps remaining up to ten years after childbirth². This economic penalty directly affects superannuation contributions and post-retirement financial security, trapping mothers in cycles of economic insecurity.

Mothers experience occupational segregation into lower-paid work, interrupted career trajectories, and lack of adequate childcare and parental leave. Many face "occupational downgrading," accepting reduced positions or worse conditions simply to secure the flexibility necessary for caregiving. Australian fathers take significantly less paternal leave than international counterparts³, reinforcing gendered expectations that women bear primary responsibility for unpaid care and preventing their financial progress.

In the current housing market, this economic vulnerability becomes acute. It is calculated that approximately 7700 women annually return to abusive male partners specifically because they have nowhere affordable to live⁴. Mothers in such situations face particular risk of housing instability and homelessness, creating a brutal choice between violent male partners and homelessness with children. The intersection of occupational downgrading, wage penalties, inadequate childcare, and housing costs, creates conditions in which mothers frequently lack the material resources to either leave abusive relationships with males, refuse exploitative arrangements, or access reproductive healthcare. Male abusers exploit this dependence through financial control; the surrogacy industry exploits it through targeted recruitment and grossly inadequate compensation.

Economic dependence creates the conditions in which even coercive pregnancy becomes difficult to resist. A woman who 'agrees' to surrogacy because she cannot otherwise feed her

¹ [Obstetric violence and birth trauma](#), ANMF.

² [Children and the gender earnings gap: Evidence for Australia](#), Treasury.gov.au.

³ [Dad days: How more gender-equal parental leave could improve the lives of Australian families](#), Grattan Institute.

⁴ [Nowhere to go](#), Equity Economics.

children does not freely consent. A woman who 'complies' with pregnancy because her male abuser threatens custody loss and who has no independent economic means does not freely consent. Yet legal frameworks consistently treat such 'agreements' as valid expressions of autonomous will⁵. This is the fundamental flaw: consent frameworks presume access to women's reproductive capacity and assess agreement as if mothers operate as economically independent agents. They do not.

Violence by sons against mothers: An overlooked manifestation

Australia's first comprehensive national study found that one in five young people reported using violence against family members, with mothers as the most frequent targets – experiencing violence in 51% of cases⁶. While this study did not disaggregate by sex, Australian and international research consistently identifies adolescent family violence as a gendered phenomenon: the majority of perpetrators are boys and young men, and the most common relationship is mother-son. UK research found 87% of adolescent perpetrators were male, with 66% of cases involving mother-son violence⁷. Australian programs report that nearly two-thirds of referrals involve mothers experiencing violence from sons⁸.

This violence manifests as verbal abuse, physical violence, emotional abuse, and financial exploitation, with early onset: 60% had begun using violence by age 10 or younger. Critically, 89% of young people perpetrating family violence had themselves experienced childhood abuse, frequently involving exposure to male violence against their mothers. Research demonstrates that adolescent males are mirroring abuse patterns they have witnessed: male violence against mothers directly translates into sons' violence toward mothers⁹. This intergenerational transmission of male violence against mothers is rendered invisible in policy responses.

The National Plan to End Violence Against Women and Children 2022-32 contains no specific reference to this significant harm¹⁰. Neither does it address male violence against mothers generally, and contains no discussion of male adolescent violence against mothers as a distinct manifestation. Instead, it contains discussion of intersectionality with a section on violence against LGBTQIA+ people, but does not consider mothers as a specific sub-category of women exposed to particular forms of violence. This institutional invisibility enables the continuation of the very harms that should be addressed.

⁵ As argued by AAWAA in [Why NSW's sexual consent review must confront the limits of 'consent' itself](#), AAWAA.

⁶ [Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts](#), ANROWS.

⁷ [Adolescent to parent violence: Framing and mapping a hidden problem](#), British Society of Criminology, but also see [Adolescent family violence: What is the role for legal responses?](#) Sydney Law Review.

⁸ [Family violence services warn teenage boys learn from fathers who inflict violence against women](#), ABC News.

⁹ All in the ANROWS report: [Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts](#), ANROWS.

¹⁰ [National Plan to End Violence against Women and Children 2022-2032](#), DSS.

Institutional patterns of enablement

Institutional actors enable violence against mothers through multiple channels, often by actively discouraging or dismantling the protections necessary to address mothers' vulnerability. The Australian Human Rights Commission rejected applications for female-only meetings and has actively discouraged sex-based protections for women and girls¹¹. Courts and tribunals have ruled women's female-only spaces constitute discrimination¹². Child protection services have removed children from domestic violence survivors rather than from perpetrators, forcing mothers into an impossible choice: remain silent about abuse or lose custody¹³. Additionally, the fertility industry, with direct representation on government advisory bodies, has shaped policy toward expansion of surrogacy despite evidence of exploitation¹⁴.

Police have declined to investigate male violence involving mothers on the basis of custody concerns. Research shows officers are particularly reluctant to act when parties have children together, with mothers reporting being told by police that reporting abuse 'looks bad on you and you can lose custody,' creating a chilling effect where mothers fear losing their children if they seek help¹⁵. Consultation processes for policies that directly impact mothers (such as surrogacy laws, sex self-identification rules, and reproductive healthcare) have consistently sidelined mothers themselves, along with women's advocates who represent them and experts in violence prevention. Instead, these processes have prioritised industry representatives who stand to gain financially. As a result, mothers' voices are actively excluded from the very decisions that affect their safety and autonomy.

Female-only services essential for the safety of mothers, such as rape crisis shelters, domestic violence services, prisons, healthcare, lack explicit statutory protection in Australia¹⁶. Mothers cannot assume access to such services as a matter of right. Women in Australian prisons have been placed alongside male-born prisoners, including those convicted of sexual violence, despite government assurances to the CEDAW Committee

¹¹ As see through the AHRC's Federal Court interventions, incomplete guidance on sporting exemptions, and failure to clarify legal uncertainty, the AHRC has systematically prioritised gender identity over biological sex – see [AHRC at Womensadvocacy.net](#).

¹² Examples include [Jessica Hoyle and LGB Alliance Australia \(Review of Refusal of an Application for Exemption\) \[2022\] TASCAT 142 \(24 November 2022\)](#). An earlier tribunal decision in Victoria has allowed an exemption for a commercial venue to operate specifically for gay men: [Peel Hotel Pty Ltd \(Anti-Discrimination Exemption\) \[2010\] VCAT 2005 \(13 December 2010\)](#); [Roxanne Tickle v Giggle for Girls: Online File 6 Statement of Claim - Form 17 - Rule 8.06\(1\)\(a\)](#); [Moira Deeming v John Pesutto, Victoria Registry - Federal Court of Australia](#).

¹³ See [Mothers, domestic violence, and child protection, Australia: Disproportionate Removal of Aboriginal Children](#), Human Rights Watch; [Woman in violent relationship has kids removed by child protection authorities](#), ABC News; [When do we remove?](#) Safe and Together Institute; and many, many more; [Two new BOCSAR studies shed light on misidentification in the policing of intimate partner violence](#),

NSW Bureau of Crime Statistics and Research.

¹⁴ As [documented by AAWAA across Australian jurisdictions](#).

¹⁵ [Policing domestic and family violence](#), *International Journal for Crime, Justice, and Social Democracy*.

¹⁶ See our documentation of the evidence [Australia's slide backwards on women's rights: what we told the CSW at the UN](#), AAWAA.

about housing by sex¹⁷. Mothers accessing domestic violence shelters and rape crisis services face legal uncertainty about whether female-only provision remains lawful¹⁸. Disabled and elderly mothers must accept intimate care from male-born carers without lawful right of refusal, or lose services entirely¹⁹. The absence of protected female-only spaces has measurable consequences: women killed in domestic situations by violent men include those who could not access safe, female-only shelter; who experienced trauma compounded by unsafe mixed-sex institutional environments; and who lost children through family law systems unable to adequately consider domestic violence in the context of threatened or actual loss of custody. This legal uncertainty directly compromises mothers' safety.

Legal and policy gaps

Current law in Australia does not explicitly recognise reproductive coercions, such as control over pregnancy, medical decisions during pregnancy, and connection with children, as distinct forms of male violence. Law treats these as separate matters assessed through individualistic consent frameworks²⁰.

Current law fails to adequately protect mothers from male violence through coercive control²¹. A man may be found guilty of coercive control – including control of finances, housing, and access to a woman's children – yet face no sexual assault liability if a particular sexual act is assessed in isolation from that broader pattern of domination. Where coercive control is proven, sexual activity and reproductive decisions during that period must be presumed non-consensual unless the accused adduces evidence of genuinely free agreement, with explicit recognition that such coercion of mothers destroys the conditions for meaningful consent.

Australian law also fails to adequately protect mothers by ensuring that perpetrators of domestic violence, not victims, are removed from the home. In practice, mothers and children frequently flee the family home to seek safety, whilst abusive partners remain in residence. This compounds mothers' vulnerability by removing them from housing, economic security, social networks, and stability – the very conditions necessary to protect children

¹⁷ See [Protecting women in custody: Why all must follow the NT's lead on sex-based prison laws – AAWAA](#) and [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.

¹⁸ See [Feminist coalition exposes gaps, calls for urgent amendments in Australia's report on human rights to the UN – AAWAA](#). Women advocating for sex-based protections have faced employment loss, legal proceedings, and institutional exclusion – the Feminist Legal Clinic in Sydney was evicted from council premises for supporting mothers' rights; health centres have been forced to apologise for defending women's sex-based protections. See [EXPOSED: City of Sydney evicts legal service for vulnerable women and girls for holding biological sex matters](#), *The Spectator Australia* and [Leichhardt Women's Health Centre issues apology for posting transphobic content](#), *Star Observer*.

¹⁹ The [Australian Government Guidelines on the Recognition of Sex and Gender](#) require that public and publicly funded services – including those for the most vulnerable – operate based on self-identification, not biological sex. This applies regardless of the service context, including spaces where privacy, trauma, or care for women survivors of violence are at issue, fundamentally shaping the way female-only spaces, supports, and employment rights are recognised in Australia.

²⁰ Again, see AAWAA's arguments in [Why NSW's sexual consent review must confront the limits of 'consent' itself – AAWAA](#).

²¹ See footnote 17.

and maintain autonomy. Legal frameworks must establish the principle that where domestic violence is substantiated, the perpetrator is removed from the home and mothers and children remain, unless the mother chooses otherwise. This principle reflects the reality that mothers should not be further victimised through loss of housing and economic security as a consequence of their abuse.

Legislation must affirm female-only provision as lawful, necessary, and consistent with international obligations, protecting such services from legal challenge and funding threats.

What needs to change

Legislation must explicitly criminalise reproductive coercion and integrate it into domestic violence frameworks. Where coercive control is proven, sexual activity and reproductive decisions must be presumed non-consensual unless the accused can prove genuinely free agreement. All forms of surrogacy, commercial and so-called 'altruistic', must be criminally prohibited and recognised as exploitative of women's reproductive labour.

Where domestic violence is substantiated, the male perpetrator must be removed from the home and mothers and children must remain. This applies to perpetrators of all ages, including adolescent males. Governments must commission independent research on male violence against mothers, including adolescent male violence against mothers. Police responses to such violence must be audited to ensure perpetrators are held accountable.

Legislation must affirm female-only services as lawful and necessary across crisis support and national human rights bodies must reverse guidance discouraging sex-based safeguards. Consultation processes on policies affecting mothers must include meaningful participation from mothers, women's advocates, and violence prevention experts, excluding industry representatives holding conflicts of interest.

Finally, governments must ensure economic security sufficient for mothers to leave violent male relationships: enforcement of child support, living wages, accessible childcare, and paid parental leave. The motherhood penalty requires dedicated policy attention to occupational downgrading, wage gaps, and equitable distribution of unpaid care.

Conclusion

Mothers constitute a distinct group whose experiences of violence and discrimination remain dangerously underrecognised in international policy and law. Violence perpetrated against women because of their status as mothers operates across intimate relationships, commercial industries, and state institutions such as through reproductive coercion, weaponisation of children, and systematic economic subordination. This violence spans intimate partners, family members (including sons), and institutional actors. AAWAA urges the Special Rapporteur to make visible the violence experienced by mothers, to recommend that States recognise mothers as a group vulnerable to specific forms of sex-based harm, and to call for comprehensive legislative and institutional reform addressing the structural conditions enabling this violence.