

**Feminist Legal Clinic Inc.**

Benledi House, 186 Glebe Point Road, Glebe NSW 2037

PO Box 273, Summer Hill NSW 2130

Mobile: 0402 467 476

www.feministlegal.org

ABN: 17 360 484 300

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

By email: ie-sogi@ohchr.org ; registry@ohchr.org

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Dear Mr. Madrigal-Borloz

Submission to the report on gender, sexual orientation and gender identity

Feminist Legal Clinic Inc. is a not for profit community legal service based in Sydney that works to advance the human rights of women and girls experiencing poverty, suffering and distress that arises because of male violence, abuse and discrimination. Aside from our advocacy services and other casework, we also engage in community legal education and law reform work. Our membership is dominated by left wing gender critical feminists, including many lesbian women, from all over Australia.

We refer to the call for input to a thematic report: Gender, sexual orientation and gender identity issued by you as the independent expert on protection against violence and discrimination based on sexual orientation and gender identity. We do not have the capacity to supply a comprehensive submission but just have some short comments to make. Firstly, we are concerned that sexual orientation and gender identity continue to be grouped together as if they are the same issue when there is clearly a conflict of rights, with the asserted rights of males who identify as trans being unfairly prioritised over the rights of others such as lesbian women. Secondly, in response to Question 10.

10. Who are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called "gender ideology"? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls?

To save you time engaged in witch-hunting, please be advised that Feminist Legal Clinic Inc. is the Australian country contact for the international Women's Human Rights Campaign (WHRC). WHRC is a group of volunteer women from around the globe dedicated to protecting women's sex-based rights. WHRC volunteers include academics, writers, organisers, activists, lawyers, health practitioners and others who are concerned with the erosion of women's sex-based rights and the harm being done to children by gender affirming medical and surgical interventions. In no respect is this group responsible for fuelling or inciting violence against anyone and we would consider any suggestion to that effect to be defamatory.

WHRC works to promote the [Declaration of Women's Sex-Based Rights](#). This document has over 15,000 signatories from 127 countries and support from over 300 organisations. This document sets out the main arguments inquired about in question 10. The Declaration resists the conflation of biological sex with socially constructed notions of gender and continues to recognise women as adult human females (Article 1). It acknowledges motherhood as an exclusively female status (Article 2) and the right of women to have physical and reproductive integrity and not to be commodified as breeding vessels (Article 3). It advocates for freedom of speech for women to speak out on this topic (Article 4) and the right for women, including lesbians, to meet in the absence of males (Article 5). It recognises that women should have a right to political representation based on their sex (Article 6) and that the safety and fairness of women's sport should be preserved by excluding male participants (Article 7). It details the importance of specialist sex-based services, facilities and collation of statistics in working to keep women safe from male violence (Article 8) and asserts the need to protect children from harmful medical interventions such as puberty blockers, hormone treatment and surgeries (Article 9).

Unfortunately, WHRC's effectiveness is compromised by our lack of resources. Despite this we are doing our best to protect the human rights of women and children in an increasingly hostile environment in which male interests continue to attract the funding and therefore can dominate and manipulate the agenda in all forums including at the United Nations. However, as more women are understanding what is at stake, our movement is steadily gaining momentum despite the continuing inequality in resourcing.

You can find [here](#) a copy of a submission made by our service on behalf of WHRC to Australia's recent Universal Periodic Review (UPR). You will see that this submission is endorsed by a coalition of feminist and lesbian groups working together to resist the damage being done by "gender theory informed approaches" which actively undermine women's sex-based rights. Since this submission was made an Australian LGB Alliance has formed that also supports our work in this area.

It is mischievous for the "Objectives of the Report" to suggest that gender critical feminist narratives are *being used to fuel violence and discrimination based on sexual orientation and gender identity and their particular impact on sexual and reproductive rights.* It is extremely inappropriate to attribute to women responsibility for rampant male aggression when women are far more likely to be victims than perpetrators of violence. Please take the time to consider the Declaration on Women's Sex-Based Rights and to understand the harm being done to women and children's rights by the agenda that you appear to be promulgating.



Anna Kerr
Principal Solicitor