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Special Rapporteur on Violence against Women and Girls
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Dear Ms Alsalem

**Submission on Sex-based Violence against Women and Girls –
New Frontiers and Emerging Issues**

Feminist Legal Clinic Inc. is a community legal service based in Sydney that works to advance the human rights of women and girls. Our casework and advocacy are specifically focused on defending women from male violence and human rights abuses. We welcome the opportunity to make this submission.

Manifestations of Violence Against Women and Girls

1. Domestic Violence

Domestic violence remains a pervasive issue in Australia with a significant number of female victims now being misidentified by law enforcement as perpetrators on the basis of flimsy allegations by their male partners. In other cases, female identifying (transgender) male perpetrators are being misidentified as women. As a result, crime statistics in this area are increasingly unreliable. These misclassifications underscore systemic failures in recognizing and protecting victims.¹

¹ https://www.theguardian.com/australia-news/2021/may/03/women-murdered-by-husbands-labelled-perpetrators-of-domestic-violence-by-queensland-police?CMP=Share_iOSApp_Other
<https://www.abc.net.au/news/2023-11-19/tasmania-police-misidentifying-family-violence-victims-abusers/103102134>
<https://www.abc.net.au/news/2022-03-31/police-misidentifying-domestic-violence-victims-perpetrators/100913268>

2. Child Sexual Abuse Crisis

Reports indicate a widespread crisis in child sexual abuse, with perpetrators typically being close family members or individuals in positions of trust, almost invariably male. The impact on victims is profound and long-lasting, including trauma, mental health struggles, and increased vulnerability to further abuse. Institutions, including the justice system, are not only failing to protect children adequately, but in some cases, they appear to be facilitating the abuse.

The family court system has increasingly failed to protect mothers and children from abusive fathers. Protective mothers attempting to safeguard their children from abuse have been frequently accused of "parental alienation," a concept that has been weaponized to silence abuse claims and grant custody to abusive fathers. The protective behaviour of mothers is regularly pathologized ("enmeshment" is another popular term now used) to justify removing the child/ren from their care and placing them with perpetrators. This contributes to the re-traumatization of both mothers and children and perpetuates cycles of abuse.

3. Sexual and Reproductive Violence and Exploitation

Prostitution is a societal manifestation of sexual violence and misogyny against women and girls. Women in prostitution face physical violence, including sexual abuse, rape, severe beatings, and mutilation. These acts are not isolated but are systemic issues that perpetuate the subjugation and exploitation of women.

The decriminalisation of prostitution in Australian jurisdictions, is in clear contravention of obligations pursuant to Article 6 of CEDAW and constitutes State sanctioned violence. The recent passage of the so-called *Equality Bill* in NSW repealed offences for living off the earnings of a sex worker, ensuring the few remaining deterrents for pimps have been removed.²

The open promotion of surrogacy and related reproductive exploitation are also a manifestation of State sanctioned violence against women and girls in Australia. For example, the NSW *Equality Bill* also succeeded in eroding existing prohibitions against commercial surrogacy arrangements made overseas and there is regular positive media coverage of surrogacy stories.

4. Violence against Older and Disabled Women

In 2024, 14 women over the age of 55 were allegedly killed in domestic violence-related incidents in Australia. This "silent crisis" highlights the vulnerability of older women, whose deaths often receive less attention compared to younger victims. Government responses frequently overlook their plight, necessitating a more explicit focus on policies and services that support

² <https://equalityaustralia.org.au/equality-bill-passes-lower-house-of-nsw-parliament/>

older women.³ The rate of sexual abuse of disabled women also receives inadequate attention.⁴

Systemic Challenges and Contributing Factors

1. Misclassification of Victims

The tendency of law enforcement to misidentify victims as perpetrators, especially in domestic violence cases, reflects deep-rooted systemic biases. Misclassification not only denies victims the protection they need but also perpetuates cycles of abuse. The acceptance of males who claim to be women into domestic violence support services, including safe rooms in courts and women's refuges, has also undermined the few protections currently available to women.

2. Systems Abuse and Weaponization of Protective Legislation:

Laws designed to protect women and girls, such as domestic violence orders, discrimination laws and child protection provisions, are increasingly weaponized against them. Abusers manipulate legal systems to retaliate against victims, filing vexatious claims and using legal proceedings to maintain coercive control. This includes the misuse of "parental alienation" claims in the Family Court, where mothers who report abuse are punished rather than protected.

The Hague Convention against Child Abduction is another example of a legal instrument, originally intended to protect mothers and their children, that is now being weaponized against them. Instead of preventing the unlawful kidnapping of children by their fathers, it is now regularly invoked to stop mothers, who are primary caregivers, from fleeing with their children from violent men. There is a propensity for society to accept narratives suggesting that women are prone to making malicious or delusional allegations, rather than accepting that high rates of male violence, including child sexual abuse, is a reality.

3. Normalization of Misogyny

Cultural norms that perpetuate misogyny create environments where violence against women is tolerated or dismissed. High profile cases reveal a reluctance to label sex-based attacks accurately, hindering effective responses and prevention strategies. Narratives seek to normalise and even promote the violence inherent in pornography and prostitution which is rebranded as 'sex work'. This undermines efforts to address the root causes of sexual exploitation, including poverty and sex-based inequality. Media stories celebrating surrogacy as a joyful path to parenthood rather than exposing the exploitative reality are similarly damaging.

³ https://www.theguardian.com/global/2025/jan/27/older-women-killed-by-family-members-a-silent-crisis-no-one-is-talking-about-experts-say-ntwnfb?utm_source=chatgpt.com

⁴ <https://disability.royalcommission.gov.au/news-and-media/media-releases/people-disability-face-much-greater-risk-violence-people-without-disability>

4. **Ageism and Invisibility of Older Women:**

Societal ageism contributes to the neglect of older women's experiences with violence. Their victimization is often overshadowed by a focus on younger women, leading to inadequate support systems and policy interventions for older victims. The fact that older women are the fastest growing group of people experiencing homelessness in Australia is a significant factor in their increasing vulnerability. The ravages of family court proceedings as well as workforce pay inequity over a lifetime are two systemic factors that contribute to these circumstances.

Recommendations

1. **Introduce Sex-Based Legislation**

We recommend that domestic violence and discrimination legislation be amended so that it is specific to the protection of women and girls from male violence, abuse and exclusion and cannot be weaponised against them. References to socially constructed gender and gender identity must be removed from legislation and provisions that allow for legal change of sex on birth certificates and identity documents must be repealed.

2. **Introduce a Presumption in Favour of Mothers**

There is an urgent need to introduce into family law legislation a rebuttable presumption in favour of mothers who are primary caregivers retaining care of their children in the event of relationship breakdown. There needs to be a Royal Commission into the handling of cases involving domestic violence and child sexual abuse by the Family Court.

3. **Prosecute those who engage in Sexual and Reproductive Exploitation**

Australian jurisdictions must adopt the Nordic Model of Prostitution. Men who participate in and profit from the sexual exploitation of women and girls must be prosecuted. Women in prostitution should be freed from any threat of criminal charges and receive appropriate financial support to exit the sex trade.

Pornography should be made only accessible to users who have supplied age and identity verification and the content must be closely monitored for criminality. Under-age, violent or otherwise criminal content should result in prosecutions – with law enforcement authorities cooperating internationally to ensure effective policing.

Media reporting and other material that promotes and normalises criminal activity, such as commercial surrogacy arrangements, should also result in prosecution. The courts must begin enforcing laws in this area rather than approving adoptions arising from these unlawful and exploitative arrangements.

4. Policy development for vulnerable women and girls

There is a need to develop targeted policies and support services addressing the unique vulnerabilities of older and disabled women, ensuring they receive adequate protection and assistance. It is important to reduce the risk of sexual violence in institutional settings by excluding male carers from providing unsupervised intimate care for elderly and disabled women, as well as for babies and young children.

To address the economic vulnerability of women and girls to male violence, women must be paid a fair wage for the caring work of raising families, so that they are not thrown into financial dependency on potentially violent and abusive males when they have children or otherwise devote themselves to the care of family members.

We are sorry this report is by necessity of time constraints so short, but we would be happy to expand on any point and provide references if required. Thank you again for your important efforts to ensure the safety of women and girls.



Anna Kerr
Principal Solicitor
Feminist Legal Clinic Inc.

Organization in Special Consultative Status with the Economic and Social Council (ECOSOC) since 2023.