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25 June 2025

*Word count: 1271 (max of 2815)*

**NGO Submission to Australia's 4th Universal Periodic Review (UPR)**

Feminist Legal Clinic Inc. is a community legal service based in Sydney and focused on advancing the human rights of women and girls. We are also the Australian country contact for Women's Declaration International (WDI). This submission will focus on the Australian Government's continued failure to uphold international human rights obligations, specifically in relation to women and girls.

We do not receive grants from government or any private funder and therefore are free from the conflicts of interest that constrain so many other Australian NGOs. However, our resources are also very limited as a result and our voice is actively marginalised within the sector.

Little to no progress has been made since we worked on a joint submission for WHRC (now WDI) for Australia's 3<sup>rd</sup> Periodic Review. Indeed, we have witnessed further undermining of women's sex-based rights. During the 3<sup>rd</sup> UPR cycle, Australia supported recommendations related to preventing gender-based violence, achieving gender equality, and eliminating discrimination against women. While Initiatives such as the National Plan to End Violence against Women and Children 2022-2032 have been launched, they are meaningless verbiage that have been ineffective in achieving the cultural change needed.

The key recommendations from our previous report are therefore largely unchanged and we reproduce them below with minor variations only. The structure of these recommendations is informed by the Articles of the WDI's Declaration on Women's Sex-Based Rights, which is based on the principles espoused in CEDAW and which we recommend as a guide for any reform agenda. Indeed, we would commend adoption of the WDI Declaration by the General Assembly.

*The Erasure of the Definition of Woman*

1. The Australian Government recognise that the rights of women are based upon the category of sex and take immediate steps to reverse legislation and policies that conflate biological sex with socially constructed notions of gender identity.

*Erosion of Motherhood and Reproductive Rights*

2. Motherhood must be recognised as an exclusively female status and protected from commodification.
3. The rights of women and girls to physical and reproductive autonomy, including access to contraceptive and pregnancy termination services, must be protected irrespective of socioeconomic class or Indigenous status. The Australian Government must legislate to ensure pregnancy termination and other family planning services are available through the public health system with the full cost covered by Medicare.
4. Surrogacy and adoption must be banned and individuals who seek to procure children by payment, or facilitate and promote these arrangements, either within Australia or from overseas, should be prosecuted.
5. Maternal rights must be specifically recognised in Family Law with a presumption that it is in the best interests of children to remain in the care of mothers who have been their primary carers, unless it can be rebutted with strong evidence that even with adequate financial and social support the mother is unfit or unwilling to care for the child.
6. The Australian Government trial a basic income or living wage for all mothers to replace the current malfunctioning welfare and child support systems.
7. The Australian Government introduce maximum casual contract times that must be replaced with permanent part-time contracts.
8. Free childcare be made available to all parents.

*Erosion of Freedom of belief, freedom of expression, freedom of association, and freedom of assembly. (see Article ??*

9. The Australian Government take immediate steps to reverse legislation and policy that operates to unfairly impede women's rights to freedom of belief, freedom of expression, freedom of association and freedom of assembly.
10. The rights of lesbians to meet and form social groups on the basis of their sex and common sexual orientation must receive special protection.

*Undermining Special Measures and Single Sex Sports*

11. Mandatory sex-based quotas must be introduced both in relation to political representation and also in relation to publicly listed companies to ensure at least 50% representation of women in both corporate and public governance.
12. The Australian Government must legislate and issue guidelines that affirm the continuing need for special measures such as women's quotas, scholarships, awards and other affirmative action measures and the exemption of these measures from discrimination laws in relation to sex and gender identity.
13. The Australian Government must ensure that the Australian Human Rights Commission amends or withdraws its "Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport" and reaffirms and strengthens the exemption of women's sports from discrimination laws in relation to sex or gender identity.

*Facilitating Violence against Women and Girls*

14. Women's refuges and other domestic violence support services must be restored, expanded and supported to operate as autonomous women's services, managed and staffed exclusively by women and guided by a feminist framework.
15. Single sex facilities, including women's toilets, changerooms, hospital wards and gaols, must be preserved.
16. Australian Government adequately fund research and analysis of lesbians' specific health needs, particularly older lesbians, and report research on a sex- and sexuality-disaggregated basis.
17. Australian jurisdictions must adopt the Nordic Model in relation to prostitution whereby prostituted women are freed from the threat of prosecution, while the purchase of sex is criminalised along with all forms of third-party profiteering.
18. A victim's consent must be excluded as a defence to violent crime against women.
19. That police and judicial staff administering domestic violence and family laws be vetted for membership of misogynistic clubs and secret societies and trained to ensure an understanding of the dynamics of domestic violence. The Australian Government introduce specialist police units and courts able to determine matters relating to domestic violence, family law and care and protection of children in the one jurisdiction.
20. Domestic violence legislation must be amended so that it is specific to the protection of women and children and cannot be weaponised by male perpetrators for use against their victims.

21. Legislation must be amended to introduce a presumption that mothers should not be separated from their children by incarceration, and certainly not while on remand or for minor offences. In general, there should be a review of the use of incarceration for women.
22. Victims' services must be reviewed to provide financial compensation to victims of domestic violence and sexual abuse that is commensurate with other compensation schemes, rather than mere token recognition payments.
23. The nexus between contact with children and liability for child support must be broken so that children are not used as a bargaining chip in financial negotiations. Mothers should have access to housing and a basic income that is independent of a father's capacity or willingness to pay.
24. Australian governments must ensure that all school curricula are revised from a feminist perspective and that there is fair acknowledgement and representation of female role models and accomplishments and that topics including the suffragette movement, the witch-hunts and foot binding are included as mandatory content.

*Promotion of the Fraudulent Sex Change Industry*

25. That the Australian Government establish an urgent and impartial inquiry into the medical/surgical management of children presenting with gender dysphoria including an examination of funding sources and other factors influencing the rapid adoption of gender affirmation as best practice.

Thank you for this opportunity and we are happy to expand on the rationale for any of our recommendations if required.

Yours faithfully



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