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Special Rapporteur on Violence against Women and Girls
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By Email: hrc-sr-vaw@un.org

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Dear Ms Alsalem

Submission to the report of the Special Rapporteur on violence against women and girls to the 62nd session of the United Nations Human Rights Council on Violence against mothers

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. Our brief responses to your key questions follow:

1.1. Manifestations, causes and perpetrators of violence

1.1.1. What are some of the most prominent forms of violence and extreme discrimination to which women are subjected because of their status as mothers? E.g. Economic psychological, physical and reproductive violence.

One of the most prominent forms of violence against Australian mothers is the forced removal of their children by the Family Court and their placement with fathers who the mothers have identified as perpetrators of physical and/or sexual abuse. Defending these cases in court, where their claims are largely dismissed as malicious or fanciful, subjects mothers to both psychological harm and financial impoverishment.¹ We receive regular contact from women in these circumstances. They often report that the psychological trauma associated with legal processes exceeds that which they have suffered as direct victims of violence and abuse.

¹ <https://www.abc.net.au/news/2025-02-25/domestic-violence-royal-commission/104978282>
<https://onlinelibrary.wiley.com/doi/10.1002/ajs4.171>

The failure of Australian society to adequately acknowledge and compensate women for the unique nurturing and safeguarding role they play as mothers is a form of extreme discrimination. This results in many women being forced into financial dependency on abusive or coercive male partners, leaving them and their children vulnerable to psychological, physical and sexual violence. The Family Court does not offer a solution to this dilemma. The Court is extremely reluctant to order even supervised contact between fathers and children, let alone no contact at all. In fact, if a mother alleges that there has been violence perpetrated by the father, she is likely to be accused of parental alienation, which is then used to justify limiting her continuing contact with her child or children.

1.1.2. *Is there a correlation between femicide and intimate partner violence and women's status as mothers?*

Intimate partner homicide is the most common form of domestic and family homicide, with the vast majority involving a female victim and a male assailant.² One woman is killed by violence every week in Australia.³ The rates of intimate partner violence increase significantly during pregnancy and upon the birth of a child, with one in three mothers experiencing intimate partner violence between the birth of their first child and their child turning 10 years of age.⁴

1.1.3. *What is the linkage between violence against mothers and violence against their children, including girls—and vice versa?*

The evidence demonstrates that family violence has a lasting and harmful impact on children, regardless of whether they are directly targeted by the abuse.⁵ Intentional harm of children, as well as pets, is often used to punish mothers.⁶ The fact that the mother is being subjected to domestic violence is likely to undermine her ability to parent by impacting on her physical, psychological and financial capacity.

Young people, including girls, who witness domestic violence are more likely to be victims of multiple forms of maltreatment. Australians who witness violence against their mother as a young person are 2.5 times more likely to become victims of intimate partner domestic violence from the age of 15, compared to people who are not exposed to domestic violence during childhood.⁷ It is essential that we work to break this cycle.

² <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/domestic-homicide>

<https://www.aic.gov.au/sites/default/files/2020-05/tandi124.pdf>

³ <https://www.facebook.com/DestroyTheJoint/>

⁴ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/mothers-and-their-children>

<https://www.ourwatch.org.au/quick-facts>

⁵ [https://safeandequal.org.au/understanding-family-violence/impacts/#:~:text=The%20evidence%20demonstrates%20that%20family%20violence%20can,homicide%2C%20following%20intimate%20partner%20homicide%20\(AIHW%2C%202019\).](https://safeandequal.org.au/understanding-family-violence/impacts/#:~:text=The%20evidence%20demonstrates%20that%20family%20violence%20can,homicide%2C%20following%20intimate%20partner%20homicide%20(AIHW%2C%202019).)

⁶ <https://aifs.gov.au/cfca/sites/default/files/slides.pdf>

⁷ <https://findanexpert.unimelb.edu.au/news/131251-young-people-who-witness-domestic-violence-are-more-likely-to-be-victims-of-it.-here%E2%80%99s-how-we-can-help-them>

1.1.4. What are the causes of violence against mothers, and which social, economic, legal and cultural factors increase mothers' vulnerability to violence?

While substance abuse, mental health conditions and socio-economic disadvantage may play a role, ultimately it is sexual inequality - disparities in physical strength, financial resources and caregiving responsibilities - that combine with entrenched attitudes of male entitlement to create conditions in which mothers are increasingly vulnerable to violence.⁸

1.1.5. Who are the perpetrators of violence against mothers, and under what circumstances enable these perpetrators to inflict such violence? Are there patterns of institutional complicity or impunity?

The perpetrators of violence against mothers are overwhelmingly male intimate partners. Legal and welfare systems are complicit in facilitating this violence, as noted previously. Mothers are also vulnerable to violence from teenage sons as well as from adult carers both in the home and in institutional contexts.⁹

Obstetric violence is another context in which there can be a pattern of complicity by health professionals, with mothers being treated in a manner that is dehumanising, disrespectful, or abusive during pregnancy, childbirth, and postpartum. This typically involves unconsented medical interventions and coercion, or neglect at a time of great need and vulnerability.¹⁰

Many Australian women commence motherhood in a state of distress as a result of obstetric violence. Research in 2023 showed around 30% of women birthing in hospitals experience trauma and around one in 12 developed symptoms of PTSD.¹¹ There is a flow on effect for infants whose first 1000 days are crucial to healthy physical and psychological development.¹² Death by suicide is one of the leading causes of death in mothers during the first year after a birth.¹³ There is a massive gap in research to explain why this might be so but it would be unsurprising if this was, in part, related to the violence women are sometimes subjected to during birth. While Australian women having been raising the alarm for decades, it is only very recently that governments have begun to pay attention to obstetric violence and the trauma it causes. Furthermore, women's choices in maternity care have been whittled down over the last few decades so that continuous midwifery care is now very difficult to access.¹⁴

⁸ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/understanding-fdsv/factors-associated-with-fdsv>

https://www.saferresource.org.au/male_entitlement_and_male_privilege

⁹ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/mothers-and-their-children>

¹⁰ https://www.anmf.org.au/media/havkmrnj/anmf_information_sheet_obstetric_violence_and_birth_trauma.pdf

¹¹ <https://www.sciencedirect.com/science/article/abs/pii/S0165032722014859?via%3Dihub>

¹² <https://www.ncbi.nlm.nih.gov/books/NBK310550/>

¹³ <https://www.aihw.gov.au/reports/mothers-babies/perinatal-mental-health-screening-australia/contents/what-is-perinatal-mental-health-and-psychosocial-s/perinatal-mental-health-screening-and-identifying>

¹⁴ <https://www.theguardian.com/commentisfree/2022/aug/06/in-australia-birth-trauma-happens-with-or-without-a-medical-emergency>

Mothers in institutional settings such as nursing homes, particularly if they are suffering from a disability such as dementia, are also very vulnerable to abuse including sexual assault by predatory male staff.¹⁵ The increasing use of male staff in hospitals, disability care and nursing homes to provide unsupervised intimate care services creates an undeniable increased risk of sexual abuse. As is the case in the early childcare context, there is a reluctance to acknowledge the risk posed by unsupervised male staff with the result that Australia now has an epidemic in cases of sexual abuse in these settings, with most incidents likely to remain undetected.¹⁶

A pattern of institutional complicity arises where there is an unwillingness to uphold a duty of care to elderly and disabled women out of concern it would offend the feelings of male staff. Abuse of these vulnerable individuals is unlikely to be detected or proven in most cases. In view of this, management may choose to tolerate a risk of sexual violence against these women, rather than provide grounds for a sex discrimination claim by male staff. This demonstrates that laws enacted to protect women from discrimination and advance their interests are now actively undermining their safety and well-being.

1.2. Groups of women and girls particularly affected

1.2.1. *Which groups of mothers are particularly affected by extreme forms of discrimination and violence, and what are the principal challenges and forms of violence they face?*

Indigenous mothers are particularly affected by extreme discrimination and violence with the result that they are frequently misidentified as the primary perpetrator by police, and this may in turn result in the removal of their children. This trend of misidentification and weaponisation of domestic violence provisions against victims has been well documented.¹⁷ One Queensland study found that almost half the women murdered by an intimate partner had previously been labelled by police as the perpetrator of domestic violence.¹⁸

Single mothers are also particularly vulnerable as they continue to be impacted by a discriminatory lack of support and stigmatising social policy.¹⁹ It seems mothers are too often faced with a choice between an abusive male partner or the equally coercive patriarchal state. The lack of respect and support accorded to mothers for birthing and raising children is arguably a failure to protect maternity as required by CEDAW. This lack of respect is further communicated by the increasing efforts to commodify

¹⁵ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people>
<https://opan.org.au/video/sexual-assault-of-people-with-dementia/>

¹⁶ <https://www.unsw.edu.au/newsroom/news/2025/07/childcare-sexual-abuse-men-children-risk#:~:text=If%2C%20as%20some%20suggest%2C%20male%20workers%20are,for%20fear%20of%20being%20perceived%20as%20discriminatory.>

¹⁷ <https://classic.austlii.edu.au/au/journals/PrecedentAULA/2018/43.html>

<https://www.abc.net.au/news/2024-12-14/misidentification-domestic-violence-police-family-violence/104679406>

<https://www.theguardian.com/world/2017/sep/21/un-complaint-parenting-payment-melbourne-cuts-human-rights-abuse>

<https://classic.austlii.edu.au/au/journals/PrecedentAULA/2018/43.html>

¹⁸ <https://www.theguardian.com/australia-news/2021/may/03/women-murdered-by-husbands-labelled-perpetrators-of-domestic-violence-by-queensland-police>

¹⁹ <https://www.smh.com.au/national/why-one-single-mother-has-complained-to-the-un-20190228-p510xs.html>

motherhood through surrogate arrangements which fail to acknowledge the unique bond between a mother and the child she has carried, and the devastating harm of separation.

1.2.2. Are any groups of mothers particularly vulnerable to violence, exploitation or abuse on the intersection of their status as mothers intersecting with other grounds?

As discussed above, Indigenous mothers are particularly vulnerable due to intersecting discrimination on the grounds of race and sex. This intersecting discrimination also impacts on mothers who are disadvantaged in some additional way, such as being recent migrants and having limited English, living with a disability, being a lesbian or simply impoverished.

It is concerning that some mothers facing desperate financial circumstances may be lured into earning money by selling their eggs or offering their services as a surrogate. Australia is currently moving to weaken laws against these arrangements. We submit that reproductive exploitation is itself a form of violence against women and thank the Rapporteur for her previous efforts on this topic.

3.3. Targeted Policies

3.3.1. How do social-protection systems (e.g. cash transfers, family benefits, pensions) include or exclude mothers?

The child support system is heavily manipulated by abusive fathers determined to avoid paying money to the mother of their children. This is a widespread form of economic or financial abuse of mothers and children in Australia.²⁰ Children are regularly used as a bargaining pawn in the Family Court system, with mothers frequently trading off financial entitlements to try and secure their children's safety. It is little wonder that women over 55 years are now the fastest growing group of people facing homelessness in Australia.²¹

As previously noted, the social welfare system does not provide adequate support to mothers generally and is also open to abuse and manipulation by coercive male partners. We have had a non-English speaking client whose husband continued to collect all family benefits despite playing no role in the child's upbringing. Correcting the problem required the woman to have access to the child's identity documents that were held by the abusive father. Having no English and an absence of interpreters in her language effectively precluded this woman from navigating the unnecessarily bureaucratic social security system.

Having inadequate access to legal advice, also leaves some migrant mothers in fear of deportation and separation from their child if they inform the authorities they have left their violent spouse. They choose instead to struggle along with informal and often exploitative employment arrangements. Many others feel compelled to remain in abusive relationships till the child is adult. The social protection systems are inadequate to keep mothers safe from violent and abusive males.

²⁰ <https://www.abc.net.au/news/2025-06-03/centrelink-services-australia-child-support-ombudsman-report/105365544>

²¹ <https://ownnsw.org.au/our-work/homelessness/>

3.3.2. *What are the responsibilities of State and non-State actors in preventing acts of violence against mothers, including in the area of business and human rights?*

The Australian Government, non-government organisations and corporations have all embraced gender ideology which requires them to avoid even using the word ‘mother’, let alone acknowledging the need for special measures to prevent acts of violence against them. Indeed, the word mother is being progressively removed from Australian legislation and policy documents.

Domestic violence counselling services, court safe rooms and other spaces that were previously reserved for women are prevented by discrimination laws from excluding males if they identify as women. Even breastfeeding support services have disciplined volunteers who continue to use the word ‘mother’. In this environment, there is no hope that the rights of mothers will be upheld in the context of either business or human rights. There are several tribunal and court cases currently being fought in relation to these issues, but so far there has been a failure to uphold women’s sex-based rights, which does not bode well for the future safety and well-being of mothers.²²

3.3.3. *What factual barriers do mothers face when seeking protection and assistance, justice or reparations?*

Not only are mothers disbelieved and disparaged by the courts when they make claims in relation to male violence, but the importance of their role as primary caregiver in the life of infants and small children is no longer acknowledged. Instead, the mother is increasingly regarded as entirely dispensable, or at least easily replaced by another individual who may not even be female.

This is seen not only in the alacrity with which the courts order removal of babies and small children from their mothers but also the willingness to entertain surrogacy arrangements in which inhumane separation of a baby from its mother is pre-meditated. The growing market for the purchase of babies through surrogacy is being driven by the increasing demand of gay male couples who cry discrimination at any reluctance to grant them parenthood. The overwhelming evidence that males are responsible for the vast majority of domestic violence and child sexual abuse is conveniently ignored by decisions that fail to consider the important safeguarding role played by mothers.

3.3.4. *What legal and policy frameworks have States put in place to prevent and respond to specific situations of extreme discrimination and/or violence against mothers?*

Legislation to protect mothers from domestic violence and discrimination has been increasingly repurposed and is now often being used as a weapon to justify the removal of children. These legal and policy frameworks had limited deterrent effect originally and are now being applied in a manner that suggests the courts are engaging

²² <https://www.hrla.org.au/free-speech-on-trial-over-breastfeeding-case-in-queensland>
<https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/giggle-for-girls-v-roxanne-tickle>

in ‘equality with a vengeance’ with women often being misidentified and penalised as perpetrators of violence and discrimination²³

To prevent ongoing discrimination and violence against mothers, provisions that conflate sex and gender identity must be immediately abolished, all forms of surrogacy must be banned and a rebuttable presumption in favour of mothers retaining care of their children must be inserted into the family law. Sadly, none of these reforms are on the agenda, which is currently being driven by those anxious to erase the word ‘mother’ and protect the feelings of entitled men.

3.3.5. What have been the achievements of any targeted or specific policies adopted by States to prevent abuse and violence against mothers and to attend to the needs of survivors?

We are not aware of any recent policies that are effective in preventing abuse and violence against mothers. Most reforms have been piecemeal and ineffective at best and positively harmful in most cases.

Thank you again for this opportunity and for all your work protecting women and girls from violence. We would be happy to expand on any element of this submission if required.



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

²³ <https://classic.austlii.edu.au/au/journals/PrecedentAULA/2018/43.html>