

## **Input to the report of the Special Rapporteur on violence against women and girls to the UN General Assembly 79<sup>th</sup> session on violence against women and girls in sport**

### **1. *What are the different forms of violence that women and girls in sports may experience (e.g. physical, psychological, economic, online violence, coercive control, as well as extreme form of discrimination that amounts to violence)?***

All these forms of violence are experienced in women's and girls' sport in Australia, including but not limited to:

- sexual abuse;
- bullying and body shaming;
- economic disadvantage through [gaps in pay](#), prize money and other resourcing, exacerbated by lack of media exposure: see for example a 2021 study cited by the Australian Government's [Clearinghouse for Sport](#); see also 2023 comments on social media by the [women's Rugby team the Wallaroos](#) on their battle for equal pay and resourcing;
- underrepresentation of women in sports leadership positions (on average, only one fifth are women);
- pressures to remain silent concerning abuse and bullying, within a sexist sports culture and "win at any cost" mentality;
- pressures to allow males with a "woman" or "girl" gender identity (hereinafter transgender-identified males) to compete against or alongside them and share their changeroom facilities, exacerbating most of the abovementioned forms of violence and discrimination.

### **2. *What human rights of women and girls in sports are violated as a result of the exposure of women and girls in sports to violence or the risk of violence?***

The following UN conventions are being breached in Australian women's and girls' sports:

- [Universal Declaration of Human Rights Article 2](#) on the entitlement of all to universal rights and freedoms without distinction of sex.

- Convention on the Elimination of all forms of Discrimination Against Women, especially Part I, Articles 1-6, concerning the elimination of discrimination against women in all areas and the elimination of practices based on sex-role stereotypes, which are disadvantageous to women.
- Convention on the Rights of the Child :
  - Article 19 on protection “from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”;
  - Article 31 on the right to leisure and recreational activities and the right and equal opportunity to participate freely in cultural life; and
  - Article 34 on protection “from all forms of sexual exploitation and sexual abuse”.

**3. Which actors are responsible for committing acts of violence against women and girls and increasing the risks of violence against women and girls in sports?**

Institutional actors:

- Federal and State Governments, through legislation that either enables or fails to prevent various forms of violence against women and girls in sports, in particular:
  - laws that enable “gender self-ID” such that males can “identify” into women’s sports. The advantage of biological males over biological females in terms of, among others, muscle mass, bone density, lung capacity, strength and speed, has been demonstrated extensively in research, including a collection of studies and articles published by the [Duke University Center for Sports Law and Policy](#) in the USA.
  - Lack of adequate protections of women more generally from physical and especially online abuse. Although there now exists a Government E-safety Commissioner, there is no Government oversight committee on cyberbullying or online harassment of women and girls.
- Sports bodies that fail to address sexual abuse, that encourage sexist behaviour patterns and dress codes, and that do not address sex inequalities in appointment of coaches, trainers and those in leadership positions.

Individual actors:

- Coaches and trainers who abuse women and girls. Mostly these are male but there are also instances of bullying by female coaches.
- Leaders and administrators who perpetuate or fail to address sexist practices.

- Transgender-identified males who unfairly win competitions and prize money, thus excluding women, and who may also in some cases bully and harass, or injure women in sports competitions and sports facilities, as well as online.

**4. *What are the principal causes of the violence that women and girls experience in sports, including the structural causes of such violence?***

Our societies still do not regard women as fully human and deserving of equality of opportunity and respect as a sex class. Misogyny continues to underpin cultural attitudes to women and is being institutionalised anew through the “back door” of gender identity.

Despite a current institutional and societal focus in Australia on violence against women more generally, despite, also, reviews of [institutional abuse of children including in sport](#) (2017) and of [girls in gymnastics](#) (2021), as well as [various initiatives by the Australian Sports Commission](#), institutional actors still exhibit insufficient political will to introduce wide ranging and strongly enforceable protections of women and girls against institutional and individual male violence in all areas, sport being one of them.

**5. *Which groups of women and girls in sports are more exposed to violence and on what grounds?***

- Children and particularly girls, due to their age and exposure to male adults with power over them in the sporting context. [One recent Australian study](#) found that the majority of children experience some form of physical or psychological violence in sport, with physical and psychological violence from coaches occurring in over 50 percent of cases. Girls are also far more likely than boys to experience such abuse.
- Those who aspire to national or international elite status in their sports are exposed to the logic of “win at any cost”, which translates into added pressures to conform to sexist norms. See for example the statement by [two-time Olympic medalist Maddy Groves](#) on why she withdrew from Olympic swimming trials in 2021, and [a recent study in the State of Victoria](#), which pointed to sporting organisations’ inability to appropriately identify and respond to violence against women, in a “toxic culture” that disempowered victims of violence.
- Impacts of racist attitudes on some groups of women, as documented in, for example, a [2007 study by the Australian Human Rights Commission \(AHRC\)](#), or recent statements by Olympic athletes [Nana Owusu-Afriyie](#) and [Liz Cambage](#).
- All women and girls who are forced to include transgender-identified males in their sports. At elite level, this results in [loss of placements and prize money](#) and can result in exclusion or self-exclusion. In some cases it would appear that the transgender-identified males switched from male to female competitions in order to keep (or start) winning. See for example the case of [Sasha Jane Lowerson \(Ryan Egan\)](#).

Where international bans exist in competition sports, such as that imposed by [international swimming association FINA](#) on any post-Tanner stage 2 males in women's sports, Australia is bound by those bans. A permanent exemption to the AHRC's [Guidelines for the inclusion of transgender and gender diverse people in sport](#) (2019) is also allowable "for discrimination on the grounds of sex or gender identity *only* in 'any competitive sporting activity in which the strength, stamina or physique of competitors is relevant'" but the burden of proof is significant (p. 24). In non-competition sports, it is deemed unlawful under the 1984 Sex Discrimination Act (as amended 2013) to prevent "transgender women" from joining sporting clubs/teams or using women's changerooms at sporting facilities. This stipulation applies to both community and school sports.

One public high school in the State of Victoria has devised a peculiar workaround, allowing girls to participate in physical education activities without changing into sports clothes, because boys identifying as girls are now using the girls' changerooms. As school uniforms are compulsory in Australia, this means that (pre-/post-)pubescent girls who are uncomfortable being undressed in front of boys must participate in physical education wearing highly inappropriate clothing.

Women and girls have been injured or placed at psychological risk playing team sports with transgender-identified males at both professional and amateur levels. See for example the cases of [Hannah \(formerly Callum\) Mouncey](#) and [Riley Dennis](#). Dennis is now one of the five transgender-identified males on the amateur team [The Flying Bats](#), which was undefeated during a four-week amateur competition in March 2024, winning a \$1,000 trophy. Some girls in opposing teams pulled out of the competition due to unfairness and risk of injury.

**6. *What are the responsibilities of State and non-State actors in preventing acts of violence against women and girls in sport, including in adopting measures to investigate it, and to hold those responsible for it accountable, and to provide assistance and protection to survivors of violence?***

In our view, state actors have primary responsibility for ensuring non-discrimination, equality and safety for women and girls in sport, under Australia's international treaty obligations as outlined in (2) above. These actors include Federal and State Governments and other public agencies such as the AHRC, the Australian Sports Commission and State school education departments. Key non-state actors are the peak bodies for individual sports and the Australian Olympic Committee.

**7. *What measures do State and non-State actors have in place to ensure that incidents of violence against women and girls in sports can be effectively reported, and that they are thoroughly investigated and sanctioned?***

Over roughly the last decade sporting bodies and Government bodies have undertaken investigations into abuse of (mainly) girls. These inquiries have not come about without pressure from below, but the political will of relevant sporting bodies has been key to progress. We use the example of gymnastics here.

The 2020 documentary film *Athlete A*, about the USA gymnastics sex abuse scandal, sparked widespread sharing via social media of experiences of abuse in the sport, including in Australia. In response, the peak body Gymnastics Australia (GA) [engaged the AHRC to conduct an inquiry](#). There had already been a thirty-year-long history of complaints against GA or State gymnastics bodies for abuse of girls; in some cases, those against whom complaints were made were suspended but then reinstated.

The 2021 AHRC report documented “maintenance and reinforcement of negative societal stereotypes and ideals around gender, ... emotional and verbal abuse, physical abuse and medical negligence, sexual abuse, negative weight management practices and body shaming” (pp. 9–10). It also found that “current coaching practices create a risk of abuse and harm to athletes”, that relevant policies were poorly understood and that complaint and investigation mechanisms were inconsistent, ineffectual and lacking transparency. Its recommendations included the adoption of Federal Government agency [Sport Integrity Australia’s](#) (SIA) national integrity and governance frameworks.

In a [3 May, 2021 statement](#), GA “unreservedly apologise[d]” to any athletes and family members who had experienced abuse in the sport. It since appears to have taken seriously the AHRC recommendations, as demonstrated by information provided on the GA website, such as its [member protection policy](#).

**8. *To what extent are women and girls in sport, as well as the associations that represent them being effectively involved and consulted in the design and implementation of policies that are meant to end severe discrimination and violence against women and girls in sport at the national, regional, and international level?***

The abovementioned AHRC investigation and Volume 14 of the [2017 Royal Commission into institutional responses to child abuse](#) involved extensive consultation with survivors of abuse in sport.

Both bodies recommended greater consultation with and accountability to children and especially girls in sports. As a result of the latter inquiry, in 2018 the Federal Government set up Child Safety office. Its national advisory group includes researchers and representatives of organisations active in the child protection field. One of the advisory group members is Alison Quigley, advocate for victims and survivors in sport, who in 2023 made a personal submission to the Federal inquiry on the national Human Rights framework, advocating for a

human rights court for sport ([submission number 330](#)). Quigley is a former gymnast and child sexual abuse survivor and her case study was gymnastics.

As concerns the inclusion of transgender-identified males in women's and girls' sports, there is little consultation with women and girls. Where women speak out, they are often shamed as "transphobic" and their genuine concerns are dismissed.

**9. *Please provide examples of good practice that have been adopted by State and non-State actors with regards to ending violence against women and girls in sports?***

See (7) and (8) above.

**10. *What are the lessons learned from policies and legislations that have been adopted and implemented with regards to women and girls in sports and their implications on the safety, security, dignity, equality and participation of women and girls in sports?***

First, change comes at a glacial pace and only after persistent campaigning and alarm-raising by the women and girls themselves.

Second, even then, change is not linear and backsliding is likely if vigilance is not maintained.

Third, already laudable measures to better train and monitor coaches in some sports need to be generalised and enhanced.

Fourth, biological males do not belong in women's sports. Their presence creates an unfair competitive advantage, exacerbates the risk of injury to women and girls, and represents psychological (and potentially sexual) violence against women and girls as male-bodied people are allowed to share their changerooms, toilets and showers.

**11. *Please provide recommendations as to how violence against women and girls in sport can be prevented and what needs to be done to better respond to the needs of survivors of such violence.***

- The pay and resourcing gap between men's and women's sports at all levels needs to be addressed as a matter of urgency.
- Sports leadership must include a greater proportion of women, especially coaches.
- Male coaches must be properly supervised and their behaviour regularly monitored. Women coaches also need training to address internalised misogyny and horizontal hostility.
- Women and girl athletes in all sports, at all levels, must be more centrally involved in decisions concerning them, and have access to clear, supportive, safe, transparent and independent complaints mechanisms, with comprehensive followup including ongoing monitoring of measures taken to address the complaints.

- Particular attention needs to be paid to the mental health and healthy eating of female athletes, particularly girls and particularly in sports that have traditionally had a highly sexist approach to female body image. Anorexia is the deadliest mental illness in Australia and far more likely to affect girls and women than men and boys.
- Boys and men, whatever their “gender identity”, should not be participating in women’s and girls’ sports.