



AHRC project on “threats to trans
and gender diverse people”
Analysis of FOI documents

Background to the FOI	Slides 3-4
AHRC Rationale and evidence used	Slides 5-6
Our analysis of the evidence	Slides 7-10
How to put in an FOI request	Slide 11

IN THIS PRESENTATION





AF4WR FOI SCOPE REQUEST

- 1. Correspondence within the last two years** about the AHRC's decision to undertake a national project mapping threats to trans and gender diverse human rights between the Commissioner or Deputy Commissioners and:
 - the Prime Minister;
 - the Attorney-General; and
 - Cabinet.
- 2. Ministerial and Senate briefings, submissions and notes** within the last two years relating to the AHRC's decision to undertake a national project mapping threats to trans and gender diverse human rights.
- 3. Research papers, scoping documents and notes** within the last two years relating to the AHRC's decision to undertake a national project mapping threats to trans and gender diverse human rights.
- 4. Documents sourced by, used by or created by the AHRC providing evidence** that there are currently existing threats to trans and gender diverse human rights and that formed the basis of the decision to undertake the national mapping project.
- 5. The documentation of the decision to undertake a national project mapping threats to trans and gender diverse human rights**, including who made the decision, when it was made and all relevant approvals including any notes regarding those decisions. This should include documentation of the decision to call for submissions and of the decision on the scope of the mapping to include:
 - Anti-trans mobilisation, dis- and misinformation, and extremism and radicalisation;
 - Education, employment, healthcare, housing, migration, service provision and the law; and
 - Non-personal information relating to anti-TGD abuse, discrimination, harassment, vilification and violence.



EXEMPTIONS APPLIED IN ASSESSING AF4WR APPLICATION

- The majority of exemptions are for **material that is irrelevant** to the request as seemingly about other AHRC work or junior staff names.
- The next most commonly used exemption was **s47F personal privacy** used for details of parties outside the AHRC e.g. names/email address
- There are also exemptions made **under s45 where the document (a draft report) was provided to them in confidence** (the final report is published but not the draft)
- There are several pages/parts **exempted under s47G** which is used where release of the material would harm the business affairs of person where the disclosure would unreasonably affect the person in respect of their lawful business affairs OR could reasonably be expected to prejudice future supply of information to the agency for purposes of administration of a law.
- It appears the decision maker has considered that **both parts of 47G apply.**

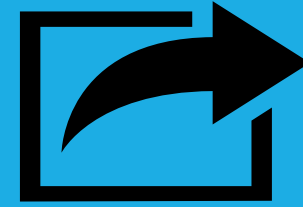
Dear colleagues,

I hope you are each well. You might have seen the misreporting in the Australian this morning about the project which we have begun identifying challenges to the full enjoyment of human rights by Trans and gender diverse people. I referred to it in my Commission report but didn't speak to it in our meeting.

I note that in my consultations from September- January with LGBTQI groups the experience of exclusion and disadvantage of trans communities was particularly highlighted which led to our decision to begin this project. The Commission was specifically asked to focus on these communities in any work in the LGBTQI+ area. I note it is not an Inquiry under the AHRC Act, rather a project and will have a relatively short time frame, reporting by July by the latest.

We have developed some talking points in order to allay any misconceptions with the Comms team and will circulate those today.

Thanks,
Regards
Anna.



Email from Anna Cody
to AHRC staff following
the report in *The
Australian* Feb 2024 –
headline:

Gender inquiry ‘not open to debate’

A national inquiry into transgender human rights has been branded a ‘serious misuse’ of taxpayer funds by experts concerned it fails to seek a balance with the rights of women and girls.

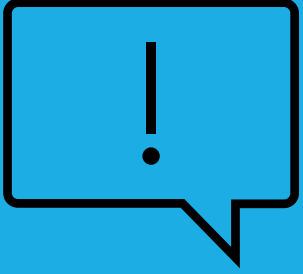
EVIDENCE RELIED ON BY THE AHRC TO PROCEED WITH PROJECT

Report Title	Date	Organisation	Government Funding
Crossing the line: Lived experience of sexual violence among trans women of colour from culturally and linguistically diverse (CALD) backgrounds in Australia	June 2020	ANROWS (Australia's National Research Organisation for Women's Safety)	<i>Produced with funding from the Australian federal government and the Australian state and territory governments</i>
Fuelling Hate-Abuse, Harassment, Vilification and Violence Against Trans People In Australia	April-June 2023	Trans Justice Project & Victorian Pride Lobby	<i>Registered charities funded by tax-deductible donations</i>
A Year of Hate: Understanding Threats and Harassment Targeting Drag Shows and the LGBTQ+ Community	2023	Institute for Strategic Dialogue	<i>Registered UK charity; receives funding from large private foundations e.g. Open Society; Bill & Melinda Gates</i>
Snapshot: LGBTIQ+ issues in Australia (slide show presentation)	Oct 2023	Equality Australia (Anna Brown)	<i>From LGBTIQ+ Legal Audit report commissioned and funded by the ACT Government</i>
Inhabiting Two Worlds At Once: Report into LGBTIQ+ Settlement Outcomes	2023	Australia: Forcibly Displaced People Network	<i>ACT Government Office of LGBTIQ+ Affairs for establishment of the survey and analysis of the ACT specific data; Australian Government Department of Home Affairs for partial funding of the research analysis</i>



POINTS TO NOTE CONCERNING THE DECISION- MAKING PROCESS

- The decision-making process to undertake this project has **failed females as impacted stakeholders**:
 - It is based **solely on reports from trans supporting organisations** and from meetings with those organisations.
- The research relied upon to underpin the project is biased and lacks methodological rigour (see next slides).
- The project was submitted as “top priority” for the AHRC’s mid-year budget proposal, yet limited funding and resources appear to have been provided for it (2 staff members and some supporting costs). It is not clear whether the resourcing is consistent with the prioritisation given; nor is it clear whether and how much funding may have been diverted from projects concerning other core areas of the AHRC’s work.
- **It ignores IAP2 global best practice public participation core values** designed to ensure *all* impacted stakeholders are identified, reached, listened to, their feedback deliberated upon and circled back to, to ensure that the conclusions reached avoid unintended consequences.
 - ⇒ See IAP website: [Core Values, Ethics, Spectrum – The 3 Pillars of Public Participation - International Association for Public Participation](#)



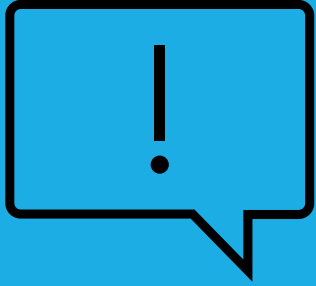
FLAWED AND BIASED RESEARCH

- **Assumptions underpinning reports and studies by pro-trans organisations were taken at face value by the AHRC** without any other evidence—or any evidence at all—being considered (such as available evidence of harms resulting from adopting the ‘affirmation-only’ approach to gender confusion in children).
- The key studies cited **present expressions of opinion as fact** and exhibit **confirmation bias**.
 - Survey questions on e.g. “anti-trans abuse” or “hate” **do not define these terms or provide examples** of what such acts might consist of.
 - Respondents to surveys conducted by transactivist organisations are highly likely to come from activist networks and thus confirm the positions of the surveying organisation.
 - In the case of the Trans Justice Project & Victorian Pride Lobby, survey respondents (almost half of whom lived in Victoria) **who did not fit the desired narrative** of the surveying organisation were labelled “bad faith”, presumed to be planted by “anti-trans” organisations and **excluded from analysis**.



ATTRIBUTION BIAS

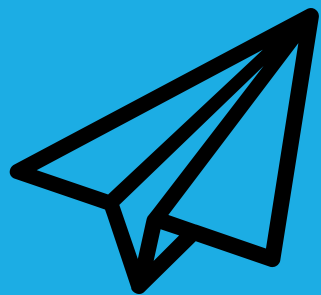
- **Experience of violence or discrimination is solely or primarily attributed to trans identity without other risk factors being taken into account.**
- A university study on sexual violence against CALD trans individuals took racism into account but not the occupation of the individuals.
- It noted a higher proportion of CALD male-to-trans individuals working in prostitution than women working in prostitution, **but did not comment on the prostitution industry itself as a risk factor**, even though studies on women working in the industry show a massively increased risk of sexual violence and murder compared to women in other work.
- Yet even trans organisations overseas note both the high participation of trans-identified males in the prostitution industry and the high risk of violence including murder to these individuals within that industry. Transgender Europe noted that in 2023, “globally, almost half (48%) of murdered trans people whose occupation is known were sex workers. This jumps to three-quarters (78%) in Europe”.



LACK OF CONSIDERATION OF OTHER STAKEHOLDERS

- **Query from AHRC at meeting with Pride WA:**
 - *“I ask whether there is an issue of exclusion of Trans women from Lesbian spaces. They say they don’t think so. They are very clear that women’s events are all inclusive. Pride WA is committed to women’s inclusivity.”*

The focus here is solely on what trans-identified males want.
What lesbians (females who are sexually attracted to other females) **want is not considered.**
- A considerable amount of space was given to **Drag Queen Story Time (DQST)**, which was approached as if perfectly legitimate and relevant.
 - One study heavily relied upon was produced overseas and largely concerned the US. It claimed to focus on targeting of drag shows in general but in fact it was about men in drag reading stories to children in schools, public libraries and so on.
 - Although we do not necessarily support militant tactics used by some groups against DQST, there is a legitimate question to be answered regarding the educational value of men in drag reading to children in such great numbers whilst there is no promotion of representatives of known marginalised groups doing so.
 - We also query what DQST has to do with trans individuals.



HOW TO SUBMIT AN FOI REQUEST TO THE AHRC

Requests must be made in writing either by post or email, addressed to AHRC Freedom of Information Officer at:

- Australian Human Rights Commission - GPO Box 5218, SYDNEY NSW 2001
- Or foi@humanrights.gov.au

As per the guidance on the website of the Office of the Australian Information Commissioner your request needs to:

- state that you're requesting access to information under the Freedom of Information Act 1982
- state the document(s) you want, giving enough detail to help the agency or minister to identify the document(s)
- give an address or email address where the agency or minister can send you the document (this can be an anonymous email address if you wish)

You don't need to give any reasons why you want the documents.

Please share with us if you submit an FOI request and share any documents you receive.

SEE ALSO: <https://humanrights.gov.au/our-work/legal/freedom-information>