

30 January 2025

Input to the report of the Special Rapporteur on violence against women and girls on forms of sex-based violence against women and girls: new frontiers and emerging issues

Australian Feminists for Women's Rights (AF4WR) are a feminist group whose object is research-based advocacy on women's sex-based rights in all areas. Not all the instances of violence against women and girls (VAWG) in Australia that we outline here are new, but they are increasing in number and complexity, pointing to significant contradictions in current institutional approaches.

1. Most prominent forms

An evident constant is **sexual, physical, psychological and economic VAWG perpetrated within family relationships**. The most startling statistic is the murder of women by current or former male partners, and among the significant risk factors are women's intentions or attempts to leave the relationship.

Although rates of femicide in the 2020s are (happily) lower than 40 years ago, they are again on the rise, with one woman killed roughly every four days in 2024: a third yearly increase. Where women are the homicide perpetrators, as [this 2024 study by the Australian Institute of Health and Welfare](#) shows, they are often defending themselves against an abusive man.

[Recorded sexual assaults](#) have risen steadily over the last several years. In 2023, more than two thirds took place in a residential location and over 40 per cent of victims were between 10 and 17 years old.

Compounding this experience of VAWG are the [problems of functioning of the Australian Family Court](#), a number of which were documented in a [2023 report by the Special Rapporteur](#). Problems include an adversarial dynamic that is particularly detrimental to victims of domestic and family violence; a high caseload with insufficient staff; lack of training of professionals from lawyers to judges; issues with expert reports and the secrecy surrounding them.

One issue with the Family Court pertains to the **impacts of the ideology of gender identity**, and the practice of "gender-affirming" care of minors more broadly. When applied routinely without thorough investigation of causes of young people's distress, the practice amounts to a form of violence against minors. It is a failure of our duty of care towards children, not

to mention a breach of the Convention on the Rights of the Child, as demonstrated by [our 2023 joint submission](#). Although “gender affirmation” also affects boys, the extraordinary increase in so-called gender dysphoria among young people over the last ten years has been almost exclusively among girls.

Notwithstanding a comprehensive [2023 paper by barrister Belle Lane](#) sent to Family Court judges and other relevant experts, setting out the multiple problems with “gender-affirming care”, Family Court judges still exhibit bias in awarding parental responsibility in cases of so-called gender dysphoria. Sometimes, sadly, it is mothers who feel they are doing the “right thing” by their child in advocating for clinical models derived from WPATH guidelines (the World Professional Association for Transgender Health), which have been exposed as [pseudo-science](#) driven by a political agenda.

In Australia, the Melbourne Royal Children’s Hospital’s *Australian Standards of Care and Treatment Guidelines for trans and gender Diverse children and adolescents* (ASOCTG) are the local application of WPATH guidelines. In a recent decision, [Justice Peter Tree explicitly referenced ASOCTG and dismissed the evidence from the Cass Review](#), awarding sole parental responsibility to the pro-“gender affirmation” mother of a trans-identified teenage girl in the face of opposition by the father. Justice Tree even dismissed the risk of future infertility of the young person in question, posing as a solution the procurement of children through **surrogacy—another form of violence against women which is also on the rise and benefits from increased institutional legitimation in Australia**—and claiming “most Australians” would consider lack of genetic connection between child and parent to be irrelevant.

This last comment is in keeping with an overall, and growing, **cultural, legal and judicial contempt for the relationship between mothers and children.**

Other forms of VAWG are related to **the rise of online interactions**. They include but are not limited to:

- Increased availability of pornography, its increased violence, and its role in shaping attitudes of young males towards women and girls, as documented by a 2016 Federal report “[Harm being done to Australian children through access to pornography on the Internet](#)”, a 2017 Australian Institute of Family Studies (AIFS) report on “[The effects of pornography on children and young people](#)”, and the [most comprehensive university study to date on the exposure and access of young Australians to pornography](#), published in 2024.
- So-called **romance scams or romance catfishing**, targeting people for psychological abuse and financial exploitation: people over 55, those with a disability and those from ethno-racial minorities are targets of choice. Although men are also targeted, women and girls are particularly vulnerable to the “romance” message. Romance

scams are not particularly new, but they have not abated, notwithstanding widespread warnings and increased reporting, notably through the Australian Competition and Consumer Commission's [Scamwatch](#) site.

- **Other forms of catfishing**—use of fake online identities for the purpose of psychological control—**often target young women and girls for the purpose of producing sexually explicit imagery** (and can be used for “sextortion”, a form of blackmail involving threats to publish such imagery). Although child protection legislation can be mobilised where perpetrators are exposed and [the recent law restricting social media use by under-16s](#) will help, women and girls of all ages remain extremely vulnerable, [even where the perpetrator is located in a different country](#).
- **Image-based abuse via social media networks**, which can include but is not limited to catfishing, with girls and young women constituting the largest number of those targeted: a recent study suggests [this abuse is on the increase](#).

Finally, women are increasingly subjected to **violence, intimidation, bullying, threats and gaslighting for voicing the evidence of their own eyes and standing up for their sex-based rights and against the intrusion of males into women's and girls' protected spaces**. These behaviours are exhibited in mainstream and social media; at schools; in peer groups; in the workplace (such as the case of Associate Professor Holly Lawford Smith who took action against the University of Melbourne for not providing her with a safe workplace); in sports (see our earlier submission on this topic, see also the 2024 debate over males with a DSD in Olympic boxing matches against women); in prisons; in health services; and via weaponisation of the legal system, as can be demonstrated by the national cases [Tickle vs Giggle](#) and the Queensland case [Buckley vs Sussex](#). Women are also forced into the courts to defend their sex-based rights and freedom of expression and assembly: [Lesbian Action Group vs the Australian Human Rights Commission](#) and the Victorian [defamation case Deeming vs Pesutto](#) (the only Australian case so far to have found in favour of the woman).

2. Consequences

The most radical consequence is death. Other consequences include PTSD (post-traumatic stress disorder) and other forms of trauma-related distress, depression or anxiety; disability following injury; rupture of the relationship between mothers and children; constant stress and fear as domestic abuse survivors try to keep themselves and their children safe while complying with custody requirements; loss of employment, money, and more generally of self-confidence; silencing due to fear of repercussions; estrangement from children (increasing numbers of mothers are facing the consequences of “gender-affirmation” on their children's mental and physical health and on their relationship with them).

In the cases of sexualised violence, domestic and family violence and catfishing and online image abuse, **deep shame, as well as threats including against the victim's loved ones, prevent women and girls from reporting abuse.** Although French serial gang-rape victim Gisèle Pélicot has famously announced that “shame must change sides”, one of the hardest obstacles to addressing VAWG remains the dominant cultural paradigm according to which women and girls wear the shame of (s)exploitation and violence they have suffered.

3. Forms that call for a more nuanced understanding

If one were to name the trickiest of emerging forms of violence to deal with, **“gender affirmation” of girls** would surely be it. When educational institutions, the entertainment industry and other forms of popular culture, and mainstream and other online media, all push in the direction of “gender affirmation”, they push all the buttons of self-doubt that plague pre-adolescent and adolescent girls growing up in a sexist culture. For girls dealing with negative self-image or social awkwardness for whatever reason (including repressed homosexuality), self-identifications with fashionable labels such as “trans” or “non-binary” carry a peer-group cachet.

As noted above, mothers of such daughters face difficult choices that range from estrangement from their children to embracing and often actively advocating “gender affirmation” in the face of all evidence of risks and harms. When something goes wrong with a child's life, the mother is invariably the first to be blamed and mothers face enormous social pressures to comply with dominant ideology.

Addressing this issue is thus complex and necessitates compassion both for the young girls and women and for the mothers. Punitive top-down approaches will not work. Moreover, the advance of this ideology means that we now have in our society a number of young people who have gone some or all of the way down the path to transition, while others have desisted or detransitioned. All of them have suffered some physical or psychological health impacts (all the more because comorbidities remain unaddressed). **Any institutional response to this issue must take this into account. It must also, as a matter of urgency, decouple the “trans” from the “lesbian and gay”, in law, in policy, and in education and health programs.**

4. Underrecognized or underreported forms

One often overlooked area of VAW is **obstetric violence**, to which one in ten women are subjected in Australia every year, according to [this 2022 study](#). One does not normally associate this particular form of VAW with advanced democracies, so its continued prevalence in Australia, and lack of institutional attention to it, is particularly shocking. At the time of writing, [Australia has no specific law to address this practice](#) and existing laws and policies are not always observed. The expertise of midwives has been systemically undermined and remains inadequately resourced.

5. Language and terminology

The term “gender-based violence”, which has had currency within the UN and national institutions for a long time, is opaque. It hides the power dynamic at play: who are the majority of victims (women) and the *overwhelming* majority of perpetrators (men). Men and women are not equally violent to each other. Moreover, it hides the fact that women suffer male violence *precisely* because of our sex.

We have seen this problem play out institutionally, because *how* we talk about things impacts on *what* we perceive ourselves to be talking about and what solutions we envisage. For example, the Australian Domestic, Family and Sexual Violence Commissioner Micaela Cronin (appointed in November 2022), noted in her [address to the National Press Club in August 2024](#) that the National Plan to End Violence Against Women and Children uses the word “men” 129 times and, in contrast, the word “women” 543 times: over four times more. Ironically, her National Press Club audience was composed almost entirely of women, which is further indicative of the problem. Male violence against women is not confronted as a *men’s* problem and will not be as long as we refer to it with opaque language.

The interchangeability of *sex* and *gender* in institutional parlance, where the latter invariably becomes a stand-in for the former, has enabled the notion of “gender identity” to gain currency. If we can no longer talk intelligibly about women and men as sex classes then we can no longer talk intelligibly about male violence against women and girls, or institutional expressions thereof.

The language of gender identity even hampers **our ability to accurately document male violence against women**. If a trans identified male assaults people, it is reported as an assault *by a woman*. This is patently false. (See for example the notorious case of Evie Amati, who randomly attacked people with an axe in a 7/11 in Sydney in 2017 after having been rejected as a potential dating partner by lesbians. Every single legal document and media report referred to Amati, who is male, as a woman and as “she”.)

Gender-identitarian language extends throughout our administrative systems, notably as concerns **the erasure of women’s reproductive specificity and the mother-child relationship**. In 2022, Sall Grover, co-respondent in the abovementioned Tickle vs Giggle case, [protested at the use of “birthing parent” instead of “mother”](#) on administrative forms related to enrolling her newborn daughter in Medicare, Australian’s national health program. The then Government Services Minister Bill Shorten intervened to ensure the term “mother” was reinstated on the forms.

6. Challenges and opportunities encountered by victims and organisations

In addition to the problems already mentioned, a crucial issue is resourcing for legal representation. Whether we are talking sexual assault, Family Court matters, or legal actions involving “gender identity” cases and women’s right to freedom of opinion, expression and assembly, women who cannot find a pro-bono lawyer are forced to self-represent, often

against the lawyers of males who either have a high disposable income or access to funding from well-moneyed organisations. In the case of *Tickle vs Giggle*, for example, *Tickle* benefited from the financial support of the Grata Fund.

7. Challenges and opportunities for experts, researchers and academics

The main challenge is funding, for both feminist NGOs and for academic researchers. It is extremely difficult to obtain funding to research *sex-based* VAWG without being pressured to include males with a gender identity in the research. NGOs working in this area and most especially those that refuse to subscribe to the logic of “gender identity” are perennially poor. Academics working in relevant disciplines (social sciences, health, education) do not have a great deal of access to competitive grants from the national research funds: some two-thirds of fundable projects are not funded due to lack of money and in every research category except humanities, male applicants have a greater success rate than female ones.

8. Meaningful participation

As long as women are not taken seriously by the police, the courts and the medical profession, the possibility of meaningful participation of victims and potential victims of VAWG in processes affecting them will remain limited.

As concerns gender identity in particular and its effect on women and girls, any organisation or individual arguing for the sex-based rights of women and girls and pointing to the violent impacts of this ideology on them, is almost entirely locked out of the institutional and media conversation. This is certainly not for want of trying, as our own numerous submissions and media releases demonstrate.

9. Consequences of the inadequate consideration of sex as a ground in VAWG

See various responses above. Despite various government initiatives, often reasonably well-funded, and often informed by real political will, it is clear from the functioning of our health, education, policing and legal systems that addressing sex-based violence against women is not a priority for our political and institutional actors. **In addition, the passage of various federal and state laws since 2013 that allow males to self-identify as women considerably hampers our ability to discuss sex-based VAWG in any constructive way.**

10. Challenges, opportunities and good practices in the collection and analysis of data

Some government agencies, some of which are cited via hotlinks in this document, do excellent basic quantitative research, e.g. the Australian Institute of Family Studies, the Australian Institute of Health and Welfare, and the Australian Bureau of Statistics.

Re challenges, one of the major ones, apart from lack of funding and media silence, **is the evident bias of the Australian Human Rights Commission (AHRC) against the sex-based rights of women.** Not only did the AHRC’s Sex Discrimination Commissioner support gender identity over sex in the *Tickle vs Giggle* and *LAG* cases, it also launched, in early 2024, a

[“national mapping project” on “Current and Emerging Threats to Trans and Gender Diverse human rights”](#). The framing of the project appear to constitute a witch hunt of so-called gender-critical organisations and individuals, and responses to Freedom of Information requests submitted by AF4WR showed the “evidence” underpinning the decision to conduct this project was flawed. The few studies by individuals or NGOs that the AHRC relied upon lacked academic or intellectual rigour and were biased to the extent of not including survey responses that did not concur with the researchers’ *parti pris*. Moreover, the names of the members of the “expert panel” assembled by the AHRC to oversee the project were withheld. For Australia’s key, taxpayer-funded, *human rights* agency, this secrecy and lack of sound research base are to say the least worrying.

11. Challenges, opportunities and best practices

The major gap in legislation is the lack of definition in federal law of either “sex” or “gender” and absence of any provision for addressing actual or perceived conflicts of rights. There also needs to be a federal law providing for a holistic approach to care of minors experiencing so-called gender dysphoria, such as has been instituted by the National Health Service in the U.K. following the findings of the Cass Review.

In other areas, systemic reform is required to address and prevent ongoing obstetric violence and the abovementioned problems with the Family Court.

One positive development in the latter case is that the assumption of shared parenting, giving abusive men “equal access” to their children, was removed in 2024. Family law expert Dr Zoe Rathus, despite cautious optimism, nonetheless warns of [some potential unintended consequences](#), and notes the risk that the current Federal opposition would legislate for a reversion if elected in 2025.

The appointment in 2022 of the Australian Domestic, Family and Sexual Violence Commissioner and the 2024 reform to the Family Law Act are promising steps in the right direction, but much more is needed.

12. Tensions

See above. States and international organisations have either not addressed tensions between sex-based rights and other rights claims or addressed them very badly (punitive, ham-fisted, ideologically-driven, with no regard to potential secondary consequences).

13 & 14. Actions & mechanisms needed

The overarching priority is to confirm that “women and girls” means “adults and children of female sex”. If we cannot accurately define the population we are talking about then we cannot appropriately address violence perpetrated against it.

Similarly, the primary individual perpetrators of VAWG need to be accurately identified as males, even when these males assert a “woman” gender identity.

How laws and policies impact on women and girls as a sex class must be central, not peripheral, to the business of governments and institutions. There has been much talk, notably at the level of international institutions, of “gender auditing”, “gender budgeting” and so on, but for all the bureaucratic infrastructure built around these concepts, the impacts, at national level at least, have been patchy and paltry. Until women and girls as a sex are considered *essential* to the conversation rather than an “equity-and-diversity” add-on, as mattering *at least* as much as men (whatever the gender identity of the latter), then we are not going to see fundamental change.