



## AFFILIATION OF AUSTRALIAN WOMEN'S ACTION ALLIANCES (AAWAA)

Women's Action Alliance Canberra (WAAC)  
Women's Action Alliance Tasmania (WAAT)  
Queensland Women's Action Alliance (QWAA)  
South Australian Women's Action Alliance (SAWAA)  
Western Australian Women's Action Alliance (WAWAA)



Senator the Hon Penny Wong  
Minister for Foreign Affairs  
Parliament House  
PO Box 6100  
Canberra ACT 2600  
senator.wong@aph.gov.au

8 June 2023

Dear Senator Wong,



### **Re: Request for representations to the United Nations regarding SOGI and women's and children's matters**

I am writing on behalf of the Affiliation of Australian Women's Action Alliances (AAWAA), which comprises groups from South Australia, Canberra, Tasmania, Queensland, and Western Australia. Our organisations are non-partisan women's liberation groups committed to the protection and advancement of women and girls on the understanding that sex is a biological fact with material consequences for females.

Senator Wong, we are writing to you in relation to several matters that are pertinent to Australia's relationship with and obligations to the United Nations and that have caused us concern. We hope that you might consider these concerns, described below, and work on our behalf to address them at the UN level.

#### **1. Report to the UN General Assembly of the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI)**

In the first instance, we are writing to you in regard to Australia's being a 'friend of the SOGI mandate' and we enjoin you to make representations to the Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity (SOGI), Mr Victor Madrigal-Borloz, in advance of his [report](#) to the 78th session of the United Nations General Assembly in October this year.

We urge you to ask Mr Madrigal-Borloz to focus his report on the horrific reality that exists for same-sex attracted women and men in many countries (including in Uganda, Saudi Arabia, and Iran) that still impose the [death penalty](#) for same-sex sexual activity and in [others](#) (including Brunei, Malaysia, Papua New Guinea, and Solomon Islands) that are yet to repeal criminal sanctions for same-sex consensual sexual activity. Evidence of the persecution of lesbians, in particular, has been gathered by lesbian groups such as Listening2Lesbians   which has [documented](#) lesbians' experiences of being abused or silenced and provided information to the UN about incidents across 57 countries.



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Senator, we would further ask that you encourage Mr Madrigal-Borloz to address the cruel and unconscionable practice of state support for ‘sexual reassignment surgery’ for gay individuals in [Iran](#). We believe that a decision to undergo any such surgery should be made freely, in an informed manner, and without coercion or fear of punishment, and it is deeply troubling that governments would use such a drastic and invasive measure as a means of enforcing their discriminatory policies.

We are disturbed that Mr Madrigal-Borloz has [neglected](#) these issues in his previous reports to the General Assembly in favour of championing ‘sex self-identification’ and the [Yogyakarta Principles](#). We hope that, with the support and encouragement from Friends of the SOGI mandate (such as Australia) he may restore some balance in his forthcoming report.

## **2. Elimination of all forms of discrimination against women**

Further in this regard, we are also concerned that Mr Madrigal-Borloz’s advocacy for the Yogyakarta Principles – which have no standing in international or Australian law – has implications for the elimination of discrimination against women and girls, not least because the principles call on states to end the registration of sex on birth certificates and other documents of legal personality. This is antithetical to women’s rights not least because the collection of data is essential to understanding – and thus ameliorating – female disadvantage. Ending the registration of birth sex would also undercut measures that allow for female-only services, spaces, and assembly – including for lesbian-only groups – and, if implemented, would render the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Australia is a state party, meaningless.

Senator Wong, we seek your assurances that the Yogyakarta Principles will not be integrated into Commonwealth law.

## **3. Prohibitions on medical experimentation on humans**

We are also worried that Mr Madrigal-Borloz [advocates](#) medical interventions including puberty blockers and cross-sex hormones for children experiencing gender dysphoria. We believe his advocacy is morally reprehensible and risks unnecessarily medicalising young people who might be suffering co-morbidities such as depression, anxiety, trauma, and autism. It also risks medicalising young people who might simply be same-sex attracted and who, left to develop without intervention, would likely grow up to be normal lesbian, gay, or bi-sexual individuals. (Indeed, increasingly ‘detransitioners’ are [reporting](#) that they were rushed into irreversible, unnecessary, and ultimately damaging medical procedures after they were mistakenly persuaded that their same-sex attraction was instead a transgender identity.)

Given that a prohibition on medical experimentation on humans without consent freely given has been central to every international human rights instrument from the Universal Declaration of Human Rights through to the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and given the [complexity](#) of children’s providing consent to medical experimentation (as recognised by the Committee of the Convention of the Rights of the Child, see [CRC General Comment 12, para 103](#) and [CRC General Comment 15, para 77](#)), we believe Mr Madrigal-Borloz’s advocacy breaches fundamental standards of human rights. That these interventions are experimental is now the accepted view of an increasing number of [countries](#), and so we would be grateful if you could pass on our concerns regarding this matter to him.

## **4. Appointment of the next SOGI Independent Expert**

We also note that the 54th Session of the Human Rights Council will consider new appointments to a number of human rights positions on the expiration of the terms of the current appointees. We hope that Australia will support the appointment of a woman to the role of SOGI Independent Expert, especially given that to date only men have served in this role and given that the



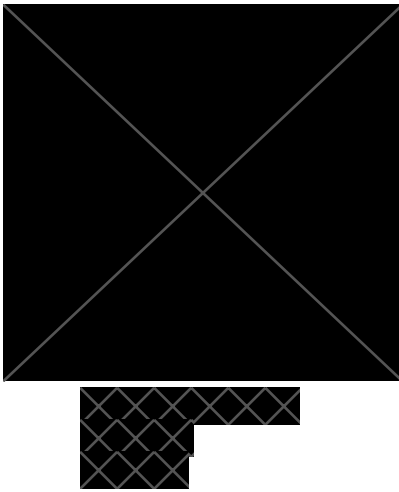
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responsibilities impact both women and men. We also believe it is imperative to ensure that any candidate properly understands the reality of violence and discrimination against same-sex attracted people and is prepared to advocate for these people. This is especially important for lesbians who have been marginalised in the SOGI [reports](#) to date. We believe that as a friend of the SOGI mandate, Australia has both the opportunity and the obligation to provide constructive guidance on this issue.

Finally, we also note that the mandate for the Special Rapporteur on violence against women, its causes and consequences is up for renewal. We believe the current incumbent, Ms Reem Alsalem, has done an exceptional job and Australia should support her in the event she seeks a second term.

Senator Wong, we thank you for your consideration of these important issues, and we hope that you can communicate our concerns to the United Nations. We would greatly appreciate your response to our letter.

Yours Sincerely,



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