



**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)
Women's Action Alliance Victoria (WAAV)



Dr Graeme Reid
Independent Expert on Protection against violence and discrimination based on
sexual orientation and gender identity (SOGI)
United Nations Human Rights Council
United Nations
hrc-ie-sogi@un.org

31 January 2024

Dear Dr Reid,

**Re: Call for Input: Protection against violence and discrimination based on
sexual orientation and gender identity, in relation to the human rights to
freedom of expression, association, and assembly**

The Affiliation of Australian Women's Action Alliances (AAWAA) is an affiliation of Australian women's groups that advocate for women and girls in all domains that impact our welfare as females but especially where we face discrimination or are vulnerable by reason of our sex. Our organisation includes many lesbians and we actively campaign against homophobia in our local communities and beyond. We are secular and not aligned with any political party or parties.

Dr Reid, Australian lesbians have faced a significant setback in recent months, and so we were excited to learn that the topic of your first report to the UN Human Rights Commission would relate to freedom of expression, association, and assembly. In a nutshell, in October 2023, the Australian Human Rights Commission (AHRC) formally [denied a group of Australian lesbians the right to advertise and host a lesbian event](#) in celebration of International Lesbian Day. The group, known as the Lesbian Action Group (LAG), had hoped to organise a public event after enduring years of meeting underground due to harassment from radical (male) gender activists. To facilitate this, the group sought an exemption to Australia's *Sex Discrimination Act 1984* to make the event exclusively for lesbians, that is, for females who are also lesbian. The LAG, along with others, provided evidence of past harassment and abuse, highlighting the disturbingly commonplace occurrence of violence and threats against lesbians. The majority of submissions to the AHRC supported the LAG's request.



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The AHRC acknowledged that lesbians in Australia suffered structural and entrenched discrimination both historically and in the present day but concluded that the need for the protection of people who were born male but self-identify as lesbians was greater than the needs of lesbians and denied the exemption on that basis. We are extremely disappointed by the decision, which we feel is prejudicial not least because allowing the exemption would have had little — if any — real-world impact on any other groups under the LGBTQIA+ umbrella who enjoy many other and separate opportunities to host events. We note in this respect that [Australian tribunals have previously granted gay men exemptions to hold events](#) exclusively for their community and that transgender communities often advertise exclusive events — to which we have no objection.

The commission also argued that the meaning of ‘sex’ in Australian law had shifted, with gender identification, rather than biological sex, defining same-sex orientation. We disagree with this interpretation and emphasise that Australian law safeguards individuals from discrimination based on *both* sexual orientation and gender identity. Removing ‘sex’ from the concept of sexual orientation renders this protection meaningless: lesbians (and gays), by definition, are individuals attracted to their own sex.

Dr. Reid, we hope you can address in your statement to the UNHCR the challenges that lesbians face in Australia and elsewhere. It is crucial to emphasise the need to prevent the recognition of new forms of discrimination caused by the grouping of sexual orientation and gender identity. The yoking of sexual orientation (which is based in sex) and gender identity (which is based on a self-reported sense of self) is undermining the protections and rights of lesbians in law. The difference between the two must be upheld in your report, and lesbians' rights to freedom of expression, association, and assembly – and their protection from male encroachment into lesbian spaces – must be defended. To put it bluntly, the violence and discrimination that lesbians already experience on the basis of their sexual orientation is being compounded by males seeking to identify as lesbians as part of their gender identity -- and we know that women will always come off second-best when men's desires are at stake.

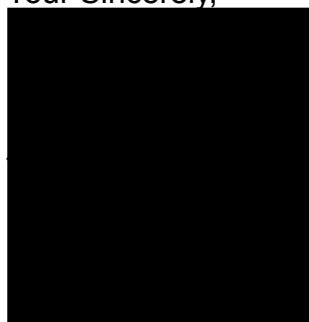
Separately, Dr Reid, we would like to comment on the language of your call for submissions and what we read to be an implicit rejection of certain safeguarding issues. We note your reference to “laws and policies ... aimed at the ‘protection’ of children.” To our mind, your use of quotation marks around the word ‘protection’ conveys scepticism or reservations about the protection of children. Similarly, your use of quotation marks elsewhere in the call for input around the words ‘pornography’ and ‘prostitution’ conveys a sense that you might doubt these things exist or that they should not be matters of concern for LGBT persons.

We trust that this is not the case. We note the obligation on states parties to the UN Convention on the Rights of the Child in particular to “take all appropriate measures to protect the child from all forms of information and material injurious to his or her well-being” (art. 17). To eliminate doubt in this matter we would respectfully urge that in your communications with the UNHCR you acknowledge the legitimate needs for protection of children in this regard. This is particularly important in light of the fact

that [your predecessor advocated for gender-affirming treatments](#) – including puberty blockers – the evidence for which the [World Health Organization now acknowledges is limited and variable](#) for children and adolescents.

Finally, we extend our congratulations to you on your appointment and wish you all the best in your new role. While we had hoped to see the first female SOGI independent expert, we are optimistic that you will make special efforts to comprehend the unique needs and vulnerabilities of lesbians. Your awareness of the new forms of discrimination that lesbians face will undoubtedly contribute significantly to the success of your tenure.

Your Sincerely,



Founder, Affiliation of Australian Women's Action Alliances (AAWAA)

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