

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000



**Fair Go for
Queensland
Women**

Submission pertaining to *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018*

Background

I note that Mr Katter's introduction for this amendment refers to conservative concerns regarding this issue. I draw your attention to the fact this is not solely a conservative issue of concern, this is in fact a bipartisan issue that has seen previously well recognised left-leaning, gender-critical women targeted for harassment, no platforming, doxing, rape and death threats¹.

We consider it imperative for individual women, women's organisations and groups that act for women be consulted on this issue as this issue impacts women and girls specifically and across a wide variety of domains, as will be described herein. We contend that well planned consultations that limit the capacity for extremists to dox and harass commentators will result in clear feedback that this amendment is necessary and important for the safety, wellbeing and rights of women and girls.

The rhetoric of the transgender movement insists that "trans women are women" and any deviation from this assertion is deemed 'transphobic'. 'Woman' is defined in the dictionary as an 'adult human female' but this statement in some quarters is deemed 'transphobic'. Humans are not able to change sex, this is a fact in the public domain but this also is not acceptable to discuss according to some. Organisations that limit their services to single sex service provision (most notably, women's services) have faced significant harassment from transgender activists ("trans activists") to ensure that they allow males into previously women only, single sex spaces².

The proposed amendments and debate surrounding this are essential for the Queensland government to effectively fulfil its responsibility to ensure all Queenslanders can lead safe, full and enriched lives, women and girls included. This amendment is inextricably linked to the ongoing discussions regarding changes to the Births, Deaths and Marriages Registration Amendment Bill and we would suggest investigating findings from other jurisdictions related to this same issue. Current and recent examples include Tasmania and the UK and the many other important groups speaking out on this issue on behalf of women and girls.

Research has confirmed that adults, children and infants can quickly and accurately identify another person's sex³. If this is the case, learnings from brain development research indicate this skill is linked to the lower brain, the first to develop. The lower brain is the foundation, and is more primitive, resulting in the capacity to make automatic, subconscious deductions designed to quickly allow humans to assess a situation for danger quickly. The lived experiences of women and men in our society are vastly different with many women being exposed to male violence in their lifetimes, this is particularly so for Aboriginal and Torres Strait Islander women. Humans may be able to change appearance or adopt mannerisms that they believe approximate gender stereotypical presentation and behaviour, but that is not what a woman is. Women and girls are socially sanctioned if they do not perform 'femininity', but it will never alter their biological sex, nor the sex-based issues that go along with that. Women and girls are routinely targeted by male pattern violence, sexism and other oppressive behaviours and discrimination in our society, not because they perform gender stereotypical actions, but because they are female. Proper and thoughtful anti-discrimination legislation plays a large and important part in seeking to address this sex-based oppression.

Women and girls require single sex spaces and service provision for a variety of reasons, some of which include:

- To redress sex-based oppression and discrimination
- Privacy - most males exhibit 'male pattern sexuality', ie: heterosexuality. Women and girls should not be forced to be in states of undress in shared spaces with male persons in order to preserve dignity and provide privacy. Research has found that relaxing sex segregated spaces in change rooms and bathrooms leads to increased negative outcomes for women and girls⁴;
- Safety – The overwhelming majority of violence and sexual violence is perpetrated by males. Women and girls need and deserve spaces where this is not an issue of concern in order to be safe, recover and heal. Examples such as homeless and DFV refuges and prisons are examples of this⁵;
- Religious or cultural reasons – some women and girls do not wish or are not permitted for religious reasons to share some spaces at some times with males;
- Trauma – many women in the Queensland community have experienced male violence. These women can and should be afforded space to heal from male violence in spaces that are solely for women and girls.

It is necessary that women and girls have reasonable boundaries (ie: the ability to name ourselves, have spaces free of males and have services that address our needs) for the above reasons and be able to attend and use services that support these needs. It has become increasingly apparent that the needs of women and girls, which should be upheld in legislation like the Anti-Discrimination Act, are being neglected in the desire to attend to trans women's rights.

This has been evident across a variety of forums, for example where males:

- have been touted as leading 'women' in business and life⁶;
- have acquired positions set aside to redress sex based oppression⁷ ;
- have been placed in women's prisons and have subsequently sexually assaulted and/or raped vulnerable women housed in those spaces⁸;
- have brought forward cases in human rights courts, targeting female beauty therapists who have refused to touch their genitalia when they perform waxing services for women⁹;

- have participated in women's sports to the detriment of women and girls being able to participate in sports (and have any hope of competing because of the obvious and well-documented differences in male and female bodies)¹⁰.

As evidenced by these brief examples above, protecting the ability to accurately refer to a person's biological sex and by extension, protect single sex services and spaces is of great importance to women and girls. We submit that this is an important issue to discuss in Queensland.

Sex vs Gender¹²

The amendment refers extensively to 'gender', however the context illuminates that the issue being discussed is 'sex', as in biological, easily observable and categorised physical reality. There is no objective, measurable means to assess whether an individual is transgender or not and there is no means for the public to discern a man who says he is a trans woman from any other male. It is recommended that the legislation use the term 'sex', as defined by biological sex, rather than gender. This is due to the progressive conflation of gender and sex as terms. Originally this may have occurred because of some discomfort with using the term 'sex'.

Many women take great offence at being termed 'menstruators', 'non-men', 'uterus-bearers' and 'cis'. There needs to be the freedom to retain language that respectfully and explicitly defines and describes women and girls, their experiences and needs. There also needs to be the freedom to use such sex specific language in our society without being targeted for harassment, censure or abuse. We submit that accurately observing and reporting on a person's sex is not substantive to the intention of Anti-Discrimination legislation, but is, as noted, an accurate observation and is germane to many decisions that impact upon the rights, wellbeing and safety of women and girls.

Organisations and individuals who centre women and women's experiences face significant pressure to capitulate to trans activist pressure to accept males into single sex spaces and accept being renamed as outlined above. For example, so many women have been targeted by the strategic use of the acronym 'terf' (purportedly to stand for 'trans exclusionary radical feminist'), that an entire project looks specifically at the harassment and threats received by women (and a few men, but mostly women) who do not adhere to gender identity politics¹¹. The false notion that human beings can change sex, that performing femininity or an internal and subjective feeling is the primary way to identify a 'woman' is something that needs to be guided by legislation in order to halt the damage already done via transgender rhetoric. Despite accusations to the contrary, gender critical thought or actions do not seek to limit the human rights of those who identify as transgender, but seeks instead to ensure the human rights of women and girls are not subsumed beneath those of another group, namely males who identify as trans women.

The CEDAW

The "Convention on the Elimination of All Forms of Discrimination against Women"¹² (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men

and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

We respectfully submit that not ensuring there is adequate legislation available to ensure women and girls can enjoy sex specific spaces and services contravenes the CEDAW. Therefore, it is essential that the legislation permits the use of sex specific language and protects those services that provide such services.

We further respectfully note that national and state plans to reduce violence against women, including the amazing work of Our Watch could be hampered without being able to refer specifically to female people and use sex specific language.

Here is a list of areas that require, and may be supported or protected through the amendment. This list is not exhaustive but many on this list have been adversely impacted by social changes in recent times and/or there have been studies undertaken in other jurisdictions that point toward significant and real concerns. These concerns need to be explored and attended to in a way that ensures women and girls are not harmed or otherwise hindered from leading a safe and fulfilled life:

- Academic freedom, including the ability to research issues specific to women and freedom to research upon issues that contradicts transgender ideology
- Women's sport
- Women's prisons
- Changing rooms, bathrooms
- Lesbian organisations, events, services and individuals
- Women's homeless shelters, hospital wards, care facilities and clients
- DV refuges and clients
- Sexual assault services and clients
- Breastfeeding associations, events and clients
- Women's circles and other religious organisations and those women who wish to utilise those services
- Women's beauty services
- Women's only swimming events
- Girl Guides
- Women's organisations such as Zonta and CWA
- Midwifery organisations and professionals
- Media reporting on crime
- Media in general
- Crime statistics
- Culturally and Linguistically diverse communities
- Aboriginal and Torres Strait Islander communities

We recommend that these organisations and individuals are likely to have valuable input into the proposed amendment and should be consulted in such a way as to allow free voicing of concerns.

We thank you for the opportunity to provide this feedback and hope you will let us know if we can be of further assistance.

Endnotes

- 1 deadwildroses.com/2018/11/15/i-was-called-a-terf-brave-women-who-dare-speak-their-minds/ ;

morningstaronline.co.uk/article/improving-climate-debate-around-proposedchanges-gender-recognition-act ;www.terfisaslur.com ;

theguardian.com/commentisfree/2012/may/29/transgenderism-hate-speech ;
<https://www.hastingsobserver.co.uk/news/police-investigating-bomb-threat-against-hastings-meeting-1-8539357> ;

standard.co.uk/news/crime/transgender-activist-tara-wolf-fined-150-for-assaulting-exclusionary-radical-feminist-in-hyde-park-a3813856.html ;
thebridgehead.ca/2018/09/08/the-transgender-strategy-to-destroy-academics-who-disagree-with-them-was-just-exposed/ ;

womenwhosayno.blogspot.com/2018/10/norway-woman-is-accused-of-harassment.html?fbclid=IwAR0GcJn0bA0nsUXNiGFSt9HE2wBVrv5_QP9YGxZlZ_2nEFpt1MVx_973hqks ;

8rosariosanchez.wordpress.com/2018/10/22/discurso-derecho-de-las-mujeres-a-la-libertad-de-expresion/?fbclid=IwAR0ineG1VTTeDb9G_UjNIQlpAD4E0-_78VcJM8J5z9G8o4UC7ZpwKJAWPt0

For more information on the stifling of political debate and silencing of women's concerns:
theguardian.com/society/2018/oct/17/transgender-law-reform-has-overlookedwomens-rights-say-mps ;

morningstaronline.co.uk/article/improving-climate-debatearound-proposed-changes-gender-recognition-act

news.sky.com/story/womensrights-hanging-by-a-thread-with-changes-to-transgender-law-11439448 ;liverpoolresisters.wordpress.com/2018/08/15/i-am-a-troubled-woman-i-have-some-questions/?fbclid=IwAR1XNNzTlex0yiv_3UuGoolmhmUceBQzr9-itpiSgARa-chD6VWJPTCNLHU

2 thepoliticsofgender.wordpress.com/2016/01/03/the-battle-over-michfest-and-womens-spaces/ ;

cbc.ca/news/opinion/women-only-spa-counterpoint-1.4170158 ;

3 onlinelibrary.wiley.com/doi/pdf/10.1207/s15516709cog2505_8

4 womanmeanssomething.com/targetstudy/ ; thetimes.co.uk/article/sex-pests-target-women-in-mixed-changing-rooms-x3vw2Inv8?fbclid=IwAR35nuyC2MZY9lmzVYKvqqaPUmnavtj03rPLNlzf6EEzQjo6E8o0PYmWbBpc ;

womanmeanssomething.com/male-pattern-sexuality-in-transwomen-in-ontario-study/

In addition to the mentioned issues, there are also significant attacks being made upon lesbians who assert their same sex preference. Trans ideology holds that male persons who are attracted to females are lesbians if they identify as trans women. This has been described by some lesbians as deeply homophobic, akin to conversion therapy and coercive:

lesbianvoices.wordpress.com/ ; lesbian-rights-nz.org/shame-receipts/?fbclid=IwAR1vbtufgTEYWOJOy1Cvy8hpfdziiiXGC73Hs4zDTDM5tN3kpUikdBNhQ3M

5 fairplayforwomen.com/wp-content/uploads/2018/09/FPFW_report_19SEPT2018.pdf

kareningalasmith.com/2018/09/30/our-fore-sisters-built-a-movement-to-support-women-subjected-to-mens-violence/?fbclid=IwAR3O8naJC97fZxm5Ibqv5tCDg6uQNkQzGHpt7oXsfNCi57OW_VJeGzPsAA

6 thetimes.co.uk/article/anger-over-women-s-business-honour-for-cross-dressing-banker-h0gv3l7nw

usmagazine.com/celebrity-news/news/caitlyn-jenner-at-women-of-the-year-awards-never-thought-id-be-here-20151011/

7 theguardian.com/society/2018/mar/17/legal-challenge-to-labour-overshortlists-and-transwomen

8 **There is extensive coverage regarding the failure to ensure the safety of female prisoners from male sex offender Karen White, this is but one article:**

telegraph.co.uk/news/2018/09/06/transgender-person-accused-rape-remanded-female-prison-sexually/ ;

Also Paris Green: transcrimeuk.com/2017/10/30/paris-green/ ;

Review of numbers of trans women in UK prisons with sexual offending histories: fairplayforwomen.com/transgender-prisoners/ . A related issue is the media reporting and future skewing of crime statistics if male offenders who identify as transgender are reported as and referred in crime statistics as 'female'.

- 9 archive.is/8zqvj ;
thepostmillennial.com/carpay-16-vancouver-women-facing-human-rights-complaints-for-refusing-to-wax-transgender-womans-male-genitalia/
- 10 dailycaller.com/2018/10/14/biological-male-wins-womens-world-cyclingchampionship/
theguardian.com/sport/2018/apr/09/transgender-weightlifterlaurel-hubbards-eligibility-under-scrutiny
womensliberationfront.org/gender-identity-policies-are-an-attack-on-womens-sports/?fbclid=IwAR2TchpIYwYl8DPrjgNT---j4R4D5p094HjiFB85b_Fwa_6w9M8gkx9QpBE
- 11 <http://terfisaslur.com>
- 12 **For more commentary regarding sex vs gender, the necessity of retaining the sex based definitions of words, and the impacts for women and girls rights:**
tasmaniantimes.com/2018/10/transgender-law-reform-a-womens-rights-perspective/?fbclid=IwAR1Va-MpROj6UoU_9OxXgesKcRH2d7t3IrnP5NpXjjDL-MHpZrQ_pKcY-w
economist.com/open-future/2018/07/06/changing-the-concept-of-woman-will-cause-unintended-harms?fbclid=IwAR3v6atgJbS09cLR-xjseO-M_grlvzuhM2zmak_HeZAsNcbK1rmdDiGsf4
fairplayforwomen.com/full_guide/?fbclid=IwAR2qqvYYcYx0oP3metYN4X3Q7gO7psRgkyo5UeDflvChIDWIZ-Exd9QJf5c
- 13 un.org/womenwatch/daw/cedaw/