



## Economic and Social Council

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### Commission on the Status of Women

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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”

### Statement submitted by Coalition of Activist Lesbians – Australia, a non-governmental organization in consultative status with the Economic and Social Council\*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## Statement

### 1. Rights obtained by lesbians in Australia since the Beijing Declaration and Platform for Action

Same-sex marriage was legalised in December 2017, but only after an acrimonious national debate displaying widespread religious fundamentalist and heterosexual attitudes.

Lesbian visibility has increased with greater understanding of lesbian issues in a range of areas, including health, legal rights for couples, parental rights and political participation. Notably, the current Shadow Foreign Minister in the Federal government is an out lesbian of Asian background, but major challenges remain.

### 2. Ongoing challenges

Challenges fall into the majority of the 12 critical areas of concern of the Beijing Declaration and Platform for Action for women, namely, poverty; education and training; health, including mental health; violence against women; women in the economy; women in power and decision-making; institutional mechanisms; human rights of women; and the girl child.

#### International institutions and lesbian rights

i. Lesbian rights are not encoded in any United Nations treaty on women. Notwithstanding their inclusion in an early draft of the Beijing Declaration and Platform for Action, the final version did not include any mention of lesbian rights, as a specific minority. In subsequent framings of women's rights, lesbians are routinely disappeared, for example the United Nations Guidelines for 2020 non-government organization parallel reports to the Commission for the Status of Women groups representing gender identity are included in this list but not groups representing lesbians.

ii. Specific challenges faced by lesbians are not included in human rights literature focusing on lesbian, gay, bisexual, transgender, intersex, and sexual orientation and gender identity. In more recent United Nations declarations, for example, the Yogyakarta Principles (2006) on human rights protections and resolutions of, for example, the Human Rights Council since 2011 on the protection of populations against violence and discrimination, there is no mention of lesbians as a discrete population. The lesbian, gay, bisexual, transgender, intersex, and sexual orientation and gender identity framings reinforce an assumption that all populations covered by these acronyms encounter the same problems of discrimination and violence. This is very far from being the case.

iii. The conflation of "sex" and "gender" in both United Nations and Australian legal, political and administrative documents has obscured the specific discriminations and forms of violence that affect lesbians as people of female sex. Sex and gender identity are not the same thing and, regrettably, discrimination against lesbians have been clouded by the overgeneralisation of the term "gender."

#### National issues

i. Poverty. The New South Wales Council of Social Services in 2015 reported that the idea of "pink privilege", whereby lesbian, gay, bisexual, transgender, intersex people are presumed to have a workplace and financial advantage over heterosexual men and women, is a myth. The study found that although lesbians may have a slight income or workplace advantage over heterosexual women, they fall well behind both heterosexual and gay men. Young lesbians reported greater difficulty in

finding employment, fear of being “out” at work and a high prevalence of sexual harassment in the workplace. Lesbians with children, notably sole parents, face similar financial and workplace disadvantage to heterosexual women although they may face added problems as lesbian mothers. Many of them face financial disadvantage when they leave heterosexual marriage, and this disadvantage follows them into old age. Of particular concern were the levels of poverty facing older lesbians, especially those without family networks, which is often the case. Finally, a growing phenomenon across Australia, notably among women, is the risk of homelessness, including for young lesbians because of family violence against them, as noted in a 2017 report commissioned by the Victorian State government.

These problems are all exacerbated for ethnic-minority lesbians, notably Indigenous. Statistically, Indigenous Australians are the poorest by ethnic group.

All the above-mentioned populations are overrepresented among groups receiving welfare benefits and by far the largest group of Australians living in poverty, see the 2018 report by the Australian Council for Social Services.

ii. Violence. While the 2017-2018 #MeToo campaign refocused state and civil society attention on male sexual violence against women and the lack of capacity or political will of states and workplaces to properly address this, lesbian experiences have tended to be overlooked. In the workplace, young lesbians report high levels of sexual harassment. Anecdotal evidence indicates lesbians are subjected to violence simply because they do not look or behave in ways men expect for women. Lesbians who wish to affirm their rights to group together according to their sex and sexual orientation are also increasingly subjected to violence and threats of violence, mainly at the hands of biological males who gender-identify as a woman, as are other women – that is, people of female sex – who campaign for sex-based protections for women. Such violence is sometimes targeted, and sometimes random. For example Evie Amati, a transgender person, attacked shoppers with an axe in a local 7-Eleven delicatessen in Sydney in 2017, after lesbians had expressed their disinclination to have sexual relations with Ms Amati. There is an increasing number of documented incidences of such acts and threats of violence yet, instead of being protected, lesbians are being blamed despite almost all acts of violence against trans people being by heterosexual men.

Young lesbians are also vulnerable to social pressures to gender-conform, either by changing their appearance and behaviour or through hormonal and surgical treatments. There is now a growing population of young lesbians who began gender-transitioning and are now de-transitioning. They often describe their experience as a form of physical and symbolic violence.

iii. Marginalisation of ethnic minority lesbians. Indigenous lesbians and lesbians from ethno-religious minorities, for example Arab and Muslim lesbians, face double societal pressures both within their communities, and by dominant-culture pressures, to “come out” and reject their own cultures. While gay men and trans people also face these pressures, lesbians face added demands of cultural and societal roles they are expected to perform as women.

iv. Aged Care. Currently the Royal Commission into Aged Care (2019) has received submissions from both organisations and individuals, including lesbians. Many reported feeling fearful that they would have to be silent about their sexuality or face being refused access, or alternatively, if accepted into the aged care facility being threatened with expulsion once found out. Other respondents reported that they felt uncomfortable disclosing their sexuality to constantly changing staff who vary in their acceptance.

v. Welfare Services. Service provision has been largely privatised into faith-based organisations. With the proposed Religious Freedoms Bill (2019) the worry is that lesbians among the 200,000 workers across the welfare sector who are employed in these faith-based organisational programs may be sacked on religious grounds. For those living and working in rural, regional and remote areas this may end their careers, adding to what has often been a tumultuous coming out process. It is little wonder that only 32 per cent of lesbian, gay, transgender people are out at work (Victorian Human Rights Lobby 2018). The potential of such policies exacerbates the threat of violence towards lesbians in all non-urban areas.

vi. The scarcity of research specifically on lesbians in society makes it difficult to better understand and act upon the realities confronting lesbians in Australia. Available research, such as that cited above, often does not disaggregate data sufficiently, or at all, within the lesbian, gay, bisexual, transgender, intersex category, or other categories including women and Indigenous persons, which makes obtaining reliable statistics difficult, forcing us to rely on inferred and cross-referenced information from available research, combined with information from lived experience and other anecdotal evidence.

### **3. Current Activities of the Coalition of Activist Lesbians – Australia**

The Coalition of Activist Lesbians – Australia has recently reflected on new strategies to address these various issues and has identified the following needs and key areas of action:

- better understand the situation of Australian lesbians through improved quality research
- provide training for volunteers in service provision and in working with institutions
- maintain a strong sex-based rights framework for women in general and lesbians in particular
- develop and maintain strong civil society networks of feminist lesbians in Australia and internationally, to build community, to exchange information, and to lobby both national governments and international institutions

The Coalition of Activist Lesbians – Australia is currently working on a project funded by an Australian government grant of 5,000 Australian dollars to train volunteers and prepare a small-scale online survey.

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