



## **Australia: Violation of Lesbian Women's Rights to Self-Organise**

**To:** The United Nations Commission on the Status of Women (CSW)

**Subject:** Complaint Regarding Violations of Lesbian Women's Rights in Australia: Denial of Legal Right to Self-Organise Based on Biological Sex.

**Submitted by:** [Women's Platform for Action International](#)

### **1. Introduction**

The Women's Platform for Action International respectfully submits this complaint to the United Nations Commission on the Status of Women (CSW) regarding ongoing and escalating violations of the human rights of women and girls in Australia, specifically relating to their right to freedom of association, expression, and political organisation on the basis of biological sex.

This submission is grounded in Australia's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which it is a State Party, and in particular the requirement that State Parties must take all appropriate measures to eliminate discrimination against women (Article 2), guarantee equality before the law (Article 15), and ensure the elimination of stereotypes and harmful practices that impair women's human rights (Article 5a).

Despite these obligations, Australia has recently issued legal rulings which effectively deny women their right to organise as a sex-based political class, by mandating the inclusion of individuals who are not biologically female in lesbian-only events. This constitutes a direct violation of sex-based rights and is emblematic of growing impunity for actions that undermine the integrity, privacy, and autonomy of women.

### **2. Denial of Legal Right to Self-Organise Based on Biological Sex**

In January 2025, the Australian Administrative Appeals Tribunal (formerly the NCAT) upheld a decision by the Australian Human Rights Commission (AHRC) rejecting an exemption request by the Lesbian Action Group (LAG). The group had sought permission to hold public events exclusively for lesbian women, defined as same-sex attracted females. The Commission and tribunal ruled that these events must include men who identify as women and bisexual individuals, or else risk violating the Sex Discrimination Act 1984 (SDA)<sup>1</sup>.

This case followed a 2023 decision by the Australian Human Rights Commission, which refused the Lesbian Action Group's five-year exemption application under the Sex Discrimination Act 1984, arguing that excluding individuals based on "gender identity" and "sexual orientation" constituted unlawful discrimination, even in the contexts focused on biological sex and same-sex attraction. The ruling relies heavily on the precedent set in the

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<sup>1</sup> [https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/sda1984209/](https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/sda1984209/)



2024 Federal Court case of *Tickle v. Giggle*<sup>2</sup>, which held that “trans women” are women under Australian discrimination law, and therefore cannot be excluded from female-only space, even digital ones.

These rulings mean that lesbian women in Australia have no legal right to self-organise, even for the purposes of mutual support, community, or political advocacy, unless they accept the presence of individuals whose sex is male. The state has thereby compelled inclusion, effectively criminalising sex-based boundaries in feminist and lesbian organising.

This constitutes a violation of multiples rights enshrined in international law, including:

- **Violation of the Right to Freedom of Association and Assembly**, as protected under Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 7(c) of the Convention on the Elimination of all Forms of Discrimination Against Women, lesbian women’s freedom of the associations based on sex is unlawfully restricted.
- **Violation of the Right to Freedom of Expression and Political Participation**, as protected by the Convention on the Elimination of all Forms of Discrimination Against Women (Article 7) and the International Covenant on Civil and Political Rights (Articles 19 and 25), lesbian women are deprived of the ability to express their sexual orientation freely without forced inclusion.
- **Discrimination Based on Sex:** This ruling imposes discriminatory obligations on lesbian women to accept participation by individuals who do not share their biological sex, undermining the principle of non-discrimination enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women. By interpreting “sex” in the SDA to include “gender identity”, these rulings have erased the category of female as a protected class, undermining the ability of women and girls to claim protections under the law.

### 3. Our Call to Action

We respectfully urge the Commission on the Status of Women to:

1. Investigate Australia’s enforcement of anti-discrimination law in ways that result in the denial of sex-based organising rights for women and lesbian groups.
2. Recommend legislative amendments to clarify that biological sex is a protected category distinct from gender identity under the Sex Discrimination Act and other human rights instruments.
3. Condemn the forced inclusion of male individuals in female-only organisations and events as a violation of women’s rights under CEDAW.
4. Call on Australia to uphold its CEDAW obligations and to ensure that women can freely associate and advocate for their interests without coercion.

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<sup>2</sup> <https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/roxanne-tickle-v-giggle-for-girls>



This case is emblematic of a broader trend of institutional disregard for the human rights of women in the face of ideological capture. The refusal to recognise the material reality of sex undermines decades of feminist progress and places women at further risk.

We thank the Commission for considering this submission.

Susannah Sjöberg  
*Secretary General*