

Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL AUS 4/2023
(Please use this reference in your reply)

23 November 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolution 50/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the expulsion of Ms. Moira Deeming from [REDACTED] [REDACTED] [REDACTED] [REDACTED] allegedly preceded and accompanied by defamatory accusations against Ms. Deeming of being willfully associated with Nazism related to her participation in a "Let Women Speak" rally that gathered women and men that advocate for the specific rights based on biological sex.

According to the information received:

Ms. Deeming participated in and spoke at a "Let Women Speak" rally that was organized by [REDACTED] in Melbourne on 18 March 2023. The rally gathered women and men who advocate for the recognition of specific rights based on biological sex.

The [REDACTED] was reportedly aware of Ms. Deeming's intention to participate in the event, as she had announced her intention to participate in a statement on International Women's Day (8 of March 2023) in Parliament. Due to the anticipated attacks on participants in the event, Ms. Deeming and her security guards were provided safe passage to and from the Parliament, with permission from Parliament services.

In order to mitigate any risks, the organizer of the event had liaised with Victoria Police to arrange a buffer zone between the event and counter protests. When both Ms. Deeming and the organizer of the event arrived, they reportedly found masked men, clad in black inside the buffer zone. The police were on site; did not appear to be concerned and reportedly spoke to the men.

Later, Ms. Deeming reported seeing the police seemingly usher the men into the buffer zone between the 'Let Women Speak' event and the counter protest, which is when the men raised their hands in a Nazi salute. The masked men then mounted the Parliament House steps outside of Ms. Deeming's view and reportedly performed another Nazi salute. At this point, they were reportedly escorted out by the Victoria police. Women present at the march were reportedly confronted with men making throat slitting gestures and threatening to rape women for being gender-critical, for advocating for single sex spaces and for articulating needs based on biological sex.

Activists opposing the 'Let Women Speak' event reportedly injured several women after infiltrating the event. Ms. Deeming herself was assaulted and

injured, along with several other women, including one who was taken to hospital after being knocked unconscious. Activists opposing the event also reportedly became violent with the police and punched police horses, which forced the 'Let Women Speak' event to finish earlier than envisaged. Following the event, Ms. Deeming reportedly condemned the actions of the masked men in black who crashed the 'Let Women Speak' event and who were later identified as being Neo-Nazi.

On 19 March 2023, Ms. Deeming was reportedly called to a meeting with senior members of the [REDACTED] and questioned about her participating in the 'Let Women Speak' event. At the meeting, Ms. Deeming reportedly clarified her condemnation of Nazism and bigotry towards transgender persons but had refused to condemn other speakers for being pro-Nazi without having seen any proof of them being so.

Ms. Deeming was reportedly informed that because she would not condemn the other speakers at the event, she could not be rehabilitated and that unless she agreed to resign the leadership team would move a motion to expel her from the [REDACTED].

That evening, Ms. Deeming became aware of a media statement by [REDACTED] the leader of the [REDACTED] in Victoria, accusing her of being a Nazi sympathizer and of "organizing, promoting and participating in a rally with speakers and other organizers who themselves have been publicly associated with far-right wing extremist groups, including neo-Nazi activists." The press release was widely picked up in the news and media.

[REDACTED] reportedly did not differentiate Ms. Deeming's involvement in the "Let Women Speak" rally from that of the neo-Nazis: *"Yesterday afternoon Victorians witnessed an abomination on the steps of the Victorian Parliament when neo-Nazi protesters engaged in an affront to the values we should all hold dear as Victorians. The violence, prejudice and hate that these protesters conveyed by their odious actions will never be acceptable in our State. I condemn them and commit to opposing such hate wherever it may exist. This afternoon I met with Moira Deeming MP who attended yesterday's rally. I discussed her involvement in organising, promoting and participating in a rally with speakers and other organisers who themselves have been publicly associated with far right-wing extremist groups including neo-Nazi activists. At our meeting I informed Ms. Deeming that I will move a motion at the next party room meeting to expel her as a member of the [REDACTED] [REDACTED] as her position is untenable. This is not an issue about free speech but a member of the parliamentary party associating with people whose views are abhorrent to my values, the values of the [REDACTED] and the wider community."*

On 20 March 2023, [REDACTED], reportedly emailed to every [REDACTED] MP, including Ms. Deeming, with a notice to call a special meeting of the [REDACTED] and to move a motion to expel her from the party in what is known as a First Motion. In an "Annexure" to the First Motion, [REDACTED] set out the evidence against Ms. Deeming. He reportedly distributed both the First Motion and the Dossier to the media. The publication of these reportedly resulted in a larger chorus of condemnation and attacks against Ms. Deeming and

aggravated her defamation. These experiences were a cause of great distress to Ms. Deeming who felt unfairly treated and accused and condemned.

In the afternoon of 20 March 2023, Ms. Deeming reportedly issued a statement on Facebook refuting [REDACTED] claims.

In the course of these events, Ms. Deeming stated that she had tried to engage the relevant national bodies. On 29 May, she reportedly sent a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEROC). While she received a reference number, she was not responded to.

Ms. Deeming is a survivor of sexual violence and rape. As a result of these recent incidents, she reports that she has found that her previous trauma has resurfaced and that she feels revictimized. Ms. Deeming also reports that her psychological wellbeing has deteriorated considerably given that it has become easier to recognize her in public spaces. Due to the accusation that she is a Nazi supporter, Ms. Deeming has reportedly been disinvited from events. On one occasion, her electorate office was reportedly defaced with a sign “Nazi bigot”. Locations of her events and whereabouts have also been leaked several times to the public, resulting in Ms. Deeming being accosted by strangers. The accusations have also impacted her husband and children, who are reported to be suffering from anxiety and distress.

The meeting to consider the First Motion was held on 26 March 2023 and chaired by [REDACTED]. The latter reportedly offered to withdraw the First Motion on the basis that Ms. Deeming accept a suspension from the Parliamentary Party for 9 months. Ms. Deeming claims she did so after [REDACTED] reportedly committed to publish a joint statement which would make it clear that no one was accusing Ms. Deeming of being a Nazi or a Nazi sympathizer. However, [REDACTED] did not issue the joint statement that was allegedly agreed on. He also reportedly did not officially retract the accusations he made against her. Rather, Ms. Deeming’s half alone was published but without [REDACTED] agreed half, and contrary to the agreement.

Ms. Deeming reports that she is still unable to today obtain the minutes of the meeting from the Parliamentary Secretary of the meeting that she had with [REDACTED] concerning the agreements reached and allegedly not respected. These minutes were eventually leaked and published in *The Australian*. Negotiations reportedly took place between Ms. Deeming and [REDACTED] via intermediaries, where they failed to reach a settlement.

On 4 May 2023, Ms. Deeming reportedly sent an email to Members of the [REDACTED] setting out her position. She reports that this was falsely presented in media reports as her having threatened to sue the [REDACTED]

On 6 May 2023, five members of the [REDACTED] reportedly initiated a new motion (hereafter the new Motion) to expel Ms. Deeming in similar terms to the first Motion amended with a request to hold a special meeting on 12 May 2023, based on the allegation that she had engaged in conduct that was in violation of clause 57 of the [REDACTED] Constitution, bringing discredit on the [REDACTED]. Ms. Deeming claims that the new Motion was not signed by the [REDACTED]

members of the ██████ in breach of clause 59 of the afore-mentioned Constitution. She also claims that the new Motion was not served to her at least five business days prior to the date of the meeting at which the new motion would be heard, in breach of clause 60 of the Constitution. Ms. Deeming also indicates that the new Motion does not provide the grounds or reasons in support of the alleged violations of clause 57 and support of the proposed expulsion. Ms. Deeming reports that she sent emails on two occasions requesting to be presented with those reasons in order to prepare her defense but did not receive a response. Reportedly, the new Motion was widely publicized in the media.

Given this situation, Ms. Deeming initiated defamatory proceedings against ██████, who was reportedly served with a Concerns Notice on 11 May 2023. Prior to doing so, she reports to have sought to settle the dispute with ██████ and requested that the new Motion be withdrawn, along with a withdrawal and apology for false allegations made against her.

On 12 May 2023, the second motion to expel Ms. Deeming was reportedly approved at a ██████ meeting. Following the meeting, it was reportedly claimed that Ms. Deeming was expelled due to her threat to sue the party's leader for defamation. ██████, who initiated the new Motion reportedly told the press that "You cannot sue your boss and expect to keep your job and that "Suing your party and your leader is a gross act of betrayal". However, the new Motion to expel Ms. Deeming had been issued on 6 May, before she had initiated defamatory proceedings against ██████.

Following six months of failed mediations seeking an apology, exoneration and reinstatement, Ms. Deeming reports that she is fundraising to take her case to court to sue for defamation, and that, should she be able to secure the funds, it is likely to be a drawn out and lengthy process.

Ms. Deeming reports that she has been subjected to vile abuse and harassment from sections of the public, leading her to fear for her safety and that of her family. For example, she reports he has had strangers come over and yell "Nazi" in her face leading her to avoid walking alone anywhere. Ms. Deeming also indicated that she was disinvited from events by local community organizations and has had vile pornography with Nazi imagery sent to her office. International counterparts have also stressed to her that she needs to "clear her name" before they can reengage with her again. Ms. Deeming reports that she struggles to eat and sleep, that she has suffered from panic attacks and has had suicidal thoughts, and that her children and her husband are exhibiting extreme signs of depression.

While I do not want to prejudge the accuracy of these allegations, I express serious concerns that Ms. Deeming appears to have been presented with a motion to dismiss her from the ██████ based on accusations that do not appear to have been properly or fairly investigated and where due process does not seem to have been applied. Furthermore, by deliberately releasing the motion to the media, Ms. Deeming was presented as a racist and white supremacist who supports Neo-Nazi ideology without giving her a reasonable opportunity to refute these allegations or defend herself, harming her reputation and created a lot of distress and risks for her and her family.

It is concerning that public statements by a leader of a political party appear to have contributed to this situation.

The events that Ms. Deeming has been subjected to appear to be part of a wider trend in many countries, including those in the Global North, for which I expressed my concern in a statement on 22 May 2023, highlighting “the escalation of intimidation and threats against women and girls for expressing their opinions and beliefs regarding their needs and rights based on sex and/or sexual orientation”. More specifically, I also note with concern the frequent tactic of smearing women, girls and their allies who hold lawful and protected beliefs on non-discrimination based on sex and same sex attraction as “Nazis,” “*genocidaires*” and “extremists” to intimidate women, instill fear into them and shame them into silence. The experience of Ms. Deeming fits the identified pattern.

If confirmed, I consider that the reported allegations negatively impact the capacity of Ms. Deeming and of other women that are visible in public life, including in politics, to express their views on women’s rights, including opinions on the rights based on biological sex. The allegations concerning Ms. Deeming’s positions and affiliations were widely disseminated in the media, including online, resulting in a serious harm to Ms. Deeming’s standing and reputation in society, in addition to negatively impacting her family’s wellbeing.

More widely, the public ‘naming and shaming’ she experienced, to which a leader of the [REDACTED] reportedly contributed, will result in other women in politics, who may have gender-identity critical views similar to those of Ms. Deeming or hold similar beliefs on the importance of biological sex in determining the needs and rights of women, refraining from voicing their beliefs or participating in rallies and public events in support of them. A number of academics, civil society and reports have indicated that violence against women in politics is commonplace and that it has affected women leadership in politics. The Inter-Parliamentary Union for example found that 81.8% of women parliamentarians experienced a form of violence within their term of office. Women who spoke their mind on the issues of gender-identity, sex-based rights, the need for single-sex spaces and what they perceive to be the harmful consequences of medical transitioning of children face social, economic and legal reprisals for daring to speak out. These have included defamation, smear campaigns as well as false accusations of being Nazis. Such women have diverse backgrounds and include women politicians, academics, psychiatrists, and advocates who are lesbian.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please indicate what measures have been taken to prevent violence against women in politics, including online violence, and to protect women victims of violence in politics, including in the form of defamation levelled against them.
3. Please explain what measures the Government of Australia will take to allow women to express themselves without intimidation or fear on issues of sex, gender and gender identity as well as exercise their freedom of assembly and association.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

I would like to refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Australia on 13 August 1980. Article 17 states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation". Article 25 states that "Every citizen has the right and the possibility, without any of the discrimination referred to in article 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, either directly or through freely chosen representatives;
- (b) to vote and to be elected, during genuine periodic elections, by universal and equal suffrage and by secret ballot, ensuring the free expression of the will of the electors;
- (c) to have access, under general conditions of equality, to public service in his country.

Article 19 of the ICCPR, provides that "everyone shall have the right to hold opinions without interference" as well as that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Article 19(1) of the ICCPR protects the right to "hold opinions without interference." Under article 19(3), any restrictions on freedom of expression must be "provided by law", proportionate, and necessary for "respect of the rights and reputations of others", "for the protection of national security or of public order, or of public health and morals". The General Assembly, the Human Rights Council and the Human Rights Committee have concluded that permissible restrictions on the Internet are the same as those offline. Article 19(3) establishes a three-part test for permissible restrictions on freedom of expression:

- A. Restrictions must be provided by law. Any restriction "must be made accessible to the public" and "formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly." Moreover, it "must not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution."
- B. Restrictions must only be imposed to protect legitimate aims, which are limited to those specified under article 19(3). The term "rights... of others" under article 19(3)(a) includes "human rights as recognized in the Covenant and more generally in international human rights law."

- C. Restrictions must be necessary to protect legitimate aims. The requirement of necessity implies an assessment of the proportionality of restrictions, with the aim of ensuring that restrictions “target a specific objective and do not unduly intrude upon the rights of targeted persons.”

Finally, article 26 states that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law must prohibit any discrimination and guarantee to all persons equal and effective protection against any discrimination, in particular of race, colour, sex, language, religion, political opinion and of any other opinion, of national or social origin, of fortune, of birth or of any other status”.

The ICCPR protect the rights to freedom of peaceful assembly and of association. In order to be effective, these rights must be exercised free from any forms of intimidation or harassment of any sort. The rights to freedom of peaceful assembly and of association are further enshrined in the Declaration on the Right and Responsibility of Individuals Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The Declaration provides that everyone has the right, individually or in community with others, to assemble peacefully, to form governmental or non-governmental organizations (article 5). It also states that everyone has the right to engage in peaceful activities to counter violations of human rights and fundamental freedoms (article 12).

With reference to the allegations against the above-mentioned person, I would like to refer you to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Australia on 28 July 1983. Article 7(c) of the CEDAW specifies that States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, ensure to them, on equal terms with men, the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

I would also like to remind Your Excellency of the Declaration on the Elimination of Violence against Women, which establishes that the exercise and protection of all human rights and fundamental freedoms must be guaranteed to women, on an equal basis with men, in the political, economic, social, cultural, civil and other fields. These rights include: (a) The right to life; (b) The right to equality; (c) The right to liberty and security of person; (d) The right to equal protection of the law; (e) The right to be free from discrimination in any form. I would also like to refer you to article 4(b) of the Declaration, which specifies that States should implement without delay, by all appropriate means, a policy aimed at eliminating violence against women and, to this end, refrain from all acts of violence against women. The Declaration also provides that the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. In this context, I wish to recall that the Committee on the Elimination of Discrimination against Women, in its general recommendation no. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the CEDAW, whether perpetrated by a State official or a private citizen,

in public or private life.

I would also like to remind you of the Human Rights resolution 2005/41 on the Elimination of Violence against Women, which emphasizes that all forms of violence against women take place in the context of de jure discrimination and facto against women and the inferior status reserved for women in society, and that they are exacerbated by the obstacles that women often face when trying to obtain redress from the State. The resolution also urges Governments to take all necessary measures to empower women and strengthen their economic independence and to protect and promote the full exercise of all fundamental rights and freedoms so that women and girls are better able to protect themselves against violence, and in this regard to promote and prioritize the full and equal participation of women to public and political life and to ensure unrestricted and equal access to education and training, as well as to economic advancement and progress.

In addition to these provisions, I would like to remind your Excellency's Government of the General Assembly resolution 68/181, on the protection of women human rights defenders. Specifically, I would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

In her report on online violence against women and girls, the Special Rapporteur on violence against women, its causes and consequences states that despite the benefits and empowering potential of the Internet and ICT, women and girls across the world have increasingly voiced their concern at harmful, sexist, misogynistic and violent content and behavior online (A/HRC/38/47). In the same report, the Special Rapporteur notes that emerging forms of ICT have facilitated new types of gender-based violence, which hinder women's and girls' full enjoyment of their human rights and their ability to achieve gender equality. It is therefore important that States acknowledge that the Internet is being used in a broader environment of widespread and systemic structural discrimination and gender-based violence against women and girls.

Moreover, in the report on violence against women in politics, the Special Rapporteur on violence against women, its causes and consequences pointed out that "some women in politics may be more exposed to the risks of gender-based violence than others, including human rights defenders... and those voicing minority, dissenting or controversial views" (A/73/301, para. 10). While men and women can both experience violence in politics, women often are targeted to restrict and prevent their active participation in politics and exercise of human rights. In the same report, the Special Rapporteur stressed that "violence targeting women who hold public office and political decision-making positions has a chilling impact on the political ambition of young women, with intergenerational consequences for the full realization of their political rights" (para. 9).

I would also like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990.

Finally, I refer you to the report of the Special Rapporteur on the rights to freedom of opinion and expression on surveillance and human rights, in which he highlighted the rights affected and threats posed by targeted surveillance on the work of human rights defenders and journalists, and called upon States to “impose an immediate moratorium on the export, sale, transfer, use or servicing of privately developed surveillance tools until a human rights-compliant safeguards regime is in place” (A/HRC/41/35 para. 66).