

Rosalind Croucher, AM
President
Australian Human Rights Commission
3/175 Pitt St
Sydney NSW 2000

11 April, 2024

By email to : TGD.Submissions@humanrights.gov.au

Dear Professor Croucher,

Rainbow Rights Watch (ABN 18 623 144 152) welcomes the opportunity to provide submissions on “*Current and Emerging Threats to TGD Human Rights*” in response to the Australian Human Rights Commission’s (“**AHRC**”) call for submissions dated 22 February 2024.

Rainbow Rights Watch is an Australian not-for-profit organisation dedicated to ending the unconscionable rates of violence, abuse, sexual assault, employment inequality, and socio-economic and health disparities experienced by transgender Australians.

Rainbow Rights Watch uses corpus modelling to form a clear statistical view of how transgender Australians are portrayed in the Australian press. We use Natural Language Processing, Corpus Linguistics, and Automated Reasoning technologies to monitor, analyse, and profile how the Australian press can sustain and perpetuate the unconscionable rates of violence and prejudice experienced by transgender Australians. We scan every major press publication in Australia every 60 seconds to detect new published material concerning transgender Australians using a large matrix of ranked search terms.

Since 2017, we have identified, catalogued, and analysed tens of thousands of articles and hundreds of millions of words published in the Australian press about transgender people. We use the collected data to create a statistical understanding of reporting standards - examining tone, sentiment, term-frequency distribution, linguistic concordance, collocates, pejorative language, gratuitousness, accuracy, and editorial balance. We believe we capture and analyse a very high proportion of all articles published online and in print about transgender people and issues in Australia.

Media has the capacity to break down harmful prejudices and negative stereotypes about acutely vulnerable minorities. Unfortunately, our research suggests that Australian mainstream media actually plays a key role in sustaining, normalising, and perpetuating prejudicial attitudes about transgender people in Australia.

In addition to modelling how transgender Australians are portrayed in the Australian media, Rainbow Rights Watch also tracks the activities and expansion of 44x well-funded, organised anti-transgender lobby groups in Australia.

Our submission specifically addresses the following terms of reference:

- Anti-trans mobilisation, dis- and misinformation, and extremism and radicalisation

- Non-personal information relating to anti-TGD abuse, discrimination, harassment, vilification, and violence

Our submission is structured as follows:

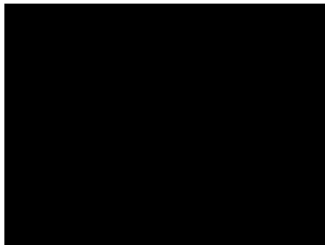
1. Socio-Economic Equality and Transgender Australians
2. Information and Journalism Ethics Principles
3. Our Research - Misinformation and Disinformation in the Mainstream Media
4. Anti-Trans Mobilisation in Australia
5. Recommendations
6. Appendix A: Corpus Statistics and Disinformation Analysis of Mainstream Media - Prejudice
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Given appropriate notice, we would welcome the opportunity to provide further oral submissions within the terms of reference, or otherwise present additional submissions about human rights issues affecting transgender Australians which do not fall within the above terms of reference.

We may be contacted at [REDACTED] to clarify any aspect of our submissions.

Thank you for considering these submissions,

Yours Sincerely,



Claire Southey
Executive Director

Socio-Economic Equality and Transgender Australians

Today, transgender Australians, and especially transgender children, experience unconscionable rates of prejudice, discrimination and disparate socio-economic outcomes:

- A peer-reviewed national [study](#) in 2017 by Beyond Blue, Telethon Kids Institute, and the University of Western Australia examining the welfare of Australian transgender children and adolescents found that 89% experienced peer rejection, 74% experienced bullying, 22% had been kicked out of home by intolerant parents or otherwise experienced homelessness, and 48% had attempted suicide¹;
- A peer-reviewed 2021 [study](#) by Melbourne University found that 68% of adult transgender Australians had experienced verbal assault and 23% had experienced physical assault. The report found unemployment among transgender Australians was more than 3 times the national average rate. 35% of respondents reported experiencing workplace discrimination. The report also found that 64% of adult transgender Australians had experienced self-harm and 43% had attempted suicide²;
- A 2023 [study](#) by the Trans Justice Project found that 49% of transgender Australians were the target of anti-trans hate. The study also found that the incidence of hate is intensifying over time, with 8 in 10 participants reporting an increase in online anti-trans hate since 2020, which the study says “corresponds with disinformation promoted by politicians and media outlets.”³
- A peer-reviewed 2019 [study](#) by the Kirby Institute at UNSW found that 53% of transgender Australians had experienced sexual assault, rape, or sexual coercion, compared to 13% of the general population⁴;
- A 2021 inter-agency [report](#) of UN Women, UN AIDS, and the UNDP found that the HIV risk amongst transgender women is 13x higher than the general population
- A 2018-2019 national survey of 528 trans and gender diverse adults found that 71% experienced verbal harassment (74% of which occurred in the last 12 months) and 37% reported physical intimidation and threats. One in five participants had been physically assaulted, with a third of those assaults occurring in the last 12 months.

Research also suggests that the majority of Australians don't personally know someone who is transgender, and so Australians' understanding of transgender people and issues is heavily informed by the media.

¹ Strauss, P., Cook, A., Winter, S., Watson, V., Wright Toussaint, D., Lin, A. (2017). *Trans Pathways: the mental health experiences and care pathways of trans young people*. Telethon Kids Institute, Perth, Australia.

² Bretherton I, Thrower E, Zwickl S, Wong A, Chetcuti D, Grossmann M, Zajac JD, Cheung AS. *The Health and Well-Being of Transgender Australians: A National Community Survey*. LGBT Health. 2021 Jan;8(1):42-49. doi: 10.1089/lgbt.2020.0178. Epub 2020 Dec 9.

³ Badge, H., Turner, J., Fabry-Jenkins, A., Spirovskaya, N. *Fueling Hate: Anti-Trans Abuse, Harassment, and Vilification* (2023) Victorian Pride Lobby

⁴ Callander D, Wiggins J, Rosenberg S, Cornelisse VJ, Duck-Chong E, Holt M, Pony M, Vlahakis E, MacGibbon J, Cook T. 2019. *The 2018 Australian Trans and Gender Diverse Sexual Health Survey: Report of Findings*. Sydney, NSW: The Kirby Institute, UNSW Sydney.

Information and Journalism Ethics Principles

In our view, the above pattern of extreme prejudice, inequality, and bias surrounding transgender people imports an ethical obligation on editorial staff to exercise great caution to minimise harm, even inadvertent harm, when reporting on transgender people and issues. This is consistent with well codified media ethics principles, legislation, and case law in many jurisdictions. This is also consistent with the common media ethics principles when reporting on other vulnerable, stigmatised, and minoritised groups. It also imports an obligation on editorial staff and journalists to interrogate issues carefully to find the truth and report accurately and fairly whilst also avoiding false balance.

Our Research - Misinformation and Disinformation in the Mainstream Media

Across the entire period since we began monitoring the Australian press, reporting standards about transgender people in the Australian media have been regressing, with increasing rates of hostility, ridicule, and misinformation and disinformation affecting transgender people from 2016 through 2023. The statistical tone and tenor of reporting over the last two years has been the worst since we began monitoring reporting standards.

Across the same time period, the incidence of violence, abuse, mental health difficulties, and sexual victimisation of transgender Australians has increased significantly. A transgender woman was killed in a gender-motivated killing in Sydney recently. Two teenage transgender girls were violently assaulted in hate crimes in Melbourne earlier last year.

At an organised anti-trans event in March 2023, neo-nazis occupied the steps of Parliament House in Melbourne calling for the extermination of transgender people, gesturing 'hail sieg' nazi salutes whilst holding a large banner reading "*Destroy Pedo Freaks*". The organiser of the event posted on Twitter the following day that "Women and Nazis want to destroy pedo filth. Why don't you?" The majority of reporting by Australian news outlets of this incident (a) referred to the event as a "women's rights rally", (b) demonised transgender people as a "threat" to the "safety" of others, and (c) omitted to mention that every major women's rights group in Australia has express statements supporting the full and equal inclusion of transgender women. The following week, 12 transgender Australians were violently assaulted whilst lobbying for transgender rights by more than 300 members of the 'Christian Lives Matter' movement.

Across the corpora for the period March 2022 - March 2023, the highest frequency-sentiment collocates associated with the word 'transgender' (lemmatised) are '**safety**', '**threat**', '**danger**', '**misogyny**', '**extreme**', '**abuse**', '**radical**', '**regret**', and '**destruction**'. Across the trailing 12 months leading up to April 2023, conservative media mastheads have published more than 350% more articles about transgender people and topics than liberal news outlets.

The press is a powerful force, capable of breaking down prejudice and social divisions and giving voice to otherwise marginalised and vulnerable populations when properly serving the public interest. Unfortunately transgender and gender diverse people are significantly under-represented and voiceless in Australian media publications about transgender topics. The most widely cited individual on all transgender topics (including each of medicine, sport, human rights principles, and media ethics principles) in the Australian news corpus in the last two years is not a transgender person nor even a

peak body. It is conservative politician Katherine Deves (cited 2,531 times), an LNP candidate who campaigned on an anti-transgender platform. Ms Deves has repeatedly referred to transgender individuals as “mutilated” and as “threats” to the safety of people who are not transgender. She says that transgender anti-discrimination policies constitute “the most vicious, vile and grossly dehumanising demonstration of woman-hate in our society”. Ms Deves has also claimed that “half of all males with trans identities are sex offenders” and referred to the Australian LGBTI publication, PinkNews, as the “Rainbow Reich”. Ms Deves has been given more than 700x more words on transgender topics by Australian mastheads than any transgender person, advocate, or peak body representing transgender people.

A particularly common type of media ethics abuse is mainstream reports that uncritically repeat specious claims that transgender individuals represent a “threat” to the safety, rights, and health of other minoritised or vulnerable groups (such as women, children, and religious minorities).

We have also begun tracking how several hundred misinformation articles published by mainstream Australian media in the last 36 months have been employed by hate groups to recruit and justify intimidation, violence, and harassment of transgender individuals. We tracked numerous articles published by Australian mastheads to the organised online hate groups [CWCKi and KiwiFarms](#) which targets vulnerable transgender individuals for multi-year harassment, defamation, swatting, and isolation campaigns. The Kiwi Farms [community](#) considers it a goal to drive its targets to suicide, and has celebrated such deaths with (a) a counter on the website, and (b) email messages taunting family members of suicide victims. In addition to relentless harassment [campaigns](#), members of the Kiwifarms community have also been successful in using robodialing services to congest LGBTI suicide hotlines such that they become inaccessible to at-risk individuals.

Approximately 92% of articles published by mainstream mastheads between March 2022 and March 2023 about transgender topics attracts one of the following conclusions when analysed by an Autoregressive Transformer / Natural Language Processor:

- Article makes reader feel that transgender people shouldn't be allowed to participate in society
- Article makes reader feel that transgender people are a threat to the safety of others
- Article makes reader feel that transgender healthcare is dangerous and unscientific
- Article makes reader feel that transgender people regret their gender transition
- Article makes reader feel that transgender people are child groomers
- Article makes reader feel that transgender people are destroying women's sport
- Article makes reader feel that transgender people are harming children
- Article makes reader feel that transgender people are violent, aggressive, and unstable

The effect of these media ethics issues substantially compounds when stratified for readership. We found that articles which undermine the dignity, equality, and humanity of transgender Australians are most commonly published in Australia's most widely read publications.

Over the last 6 years, we detected and catalogued:

- More than 415x articles published by Australian mainstream media mastheads which contained gratuitous and irrelevant emphasis on the transgender status of a person accused of a serious crime.

- More than 520x articles published by Australian mainstream media mastheads which persistently misgender transgender people (ie refer to transgender women as ‘men who identify as women’ or “biological men”; or conversely refers transgender men as ‘women who identify as men’ or “biological women”). The **Associated Press Style Guide** cautions that this is unethical. It is hard to understand what public interest is served by such misgendering, nor why most Australian media outlets deem that the resulting prejudice and discrimination is necessary.
- More than 150x articles which cherrypicked isolated examples of transgender individuals committing terrible crimes and used these to generalise about all transgender people representing a ‘threat’ to others (or otherwise imply that the inclusion of transgender people in society constitutes a “threat” to the “safety” of others). There is no cogent empirical evidence suggesting that transgender women are more or less likely than other women to be sexual predators or violent offenders. However, there is clear, cogent evidence showing that transgender women are at greater risk than the general population for sexual assault, sexual coercion, and sexual violence.
- More than 35x articles (6 in the last year, one within the last week) which uncritically repeated claims implying that transgender people are “groomers” or “paedophiles”. The **Associated Press** - the peak international body for journalism established in 1864 - asserts that publishers should never repeat such claims “without making clear that they are untrue”.
- Four opinion articles in mainstream media referring to transgender Australians in pejorative terms such as “faggot”, “it”, or “tranny”. The word ‘it’ is dehumanising, and is reserved for inanimate objects. The terms ‘faggot’ and ‘tranny’ are marked as derogatory epithets in both major dictionaries. One opinion piece published by the Daily Telegraph which referred to a transgender person as a “tranny” who had “chopped herself” (a lurid, potentially sexually harassing reference to the woman’s genitals) was examined by the **New South Wales Civil and Administrative Tribunal** in the context of vilification laws. The Tribunal [found](#) the article did not vilify transgender people but was “close to the line” and was “but one of a number of articles carried by the Australian media which contribute to the perpetration and perpetuation of demeaning negative stereotypes and a lack of acceptance of transgender people in the community.”
- More than 150x articles inaccurately claiming that Australian youth are being “encouraged” or “pressured” or otherwise coerced into gender transition. There is no cogent evidence to support this claim and every major medical and psychological peak body has ethics policies that prohibit any person from attempting to ‘direct or steer or control’ another person’s sexual orientation or gender identity. Such forms of coercive treatment (sometimes referred to as ‘conversion therapy’) rest on the prejudicial assumption that one sexual orientation or gender identity is more desirable or valuable than another.
- More than 180x articles which refer to transgender people in diminutive terms, such as “confused”, “delusional”, “mutilated” and “degenerate” or referring to Australian transgender adolescents as “mutilated”.
- More than 102x articles which expressly state that transgender women are a mere “parody” or “mockery” of women, or an insult to “real” women (including one article in the last 24 hours). It’s not clear what public interest purpose the Australian media outlets believe these diminutive

epithets serve, nor why the Australian press self-regulator believes that the resulting prejudice and discrimination is necessary and a matter of public interest.

- One article which trivialises acts of genital mutilation against transgender individuals

We are currently studying the statistical relationship between these reporting standards and anti-transgender attitudes in Australian society, however there appears to be a strong statistical correlation between poor reporting standards, and increasing rates of prejudice, discrimination, and hate crimes over the last 18 months. On 16 July 2023, a 13-year old transgender boy [died by suicide](#) near the Gold Coast in Queensland following relentless bullying, taunting, misgendering, violence and transphobic harassment at school.

Anti-Trans Mobilisation

The Australian media self-regulatory ethics regime appears to have failed to prevent misinformation and disinformation in the mainstream Australian media about transgender people and issues, which has incubated and perpetuated a climate of hate.

Since we expanded our media monitoring to include Australian publisher's social media platforms last year, we have detected more than 4,500 comments published by mainstream media outlets on their social media pages, which likely breach vilification laws in various jurisdictions of Australia. Those materials include many thousands of references to transgender individuals as "perverts", "disgusting", "filthy" "fags", "pedo's", "groomers", "faggots", "it", "thing", "delusional", "evil", "confused", "creature", "creepy", "disordered", "misogynists", and other similar pejoratives. Additionally, we have detected and catalogued several hundred comments inciting or directly threatening violence against transgender people, the publication of which may constitute a criminal offence in several jurisdictions of Australia (see examples in Appendix D).

Rainbow Rights Watch monitors the activities of 29 well-organised anti-transgender groups in Australia. Over the last 4 years, we have observed a significant increase in the financial power and level of organisation of these groups. The growth and expansion of these groups has been characterised by:

- Dramatically increased cashflow
- Co-ordinated litigation funding to block the exercise of transgender non-discrimination legal protections
- The use of other minoritised identities (such as women, individuals with lived experience of domestic violence or sexual assault, lesbian, gay, or bisexual identities) to attempt to justify or legitimise anti-transgender attitudes or transgender discrimination
- Submissions to public bodies (and amicus briefs) that use sophisticated legal language and are often drafted by professional policy writers
- The cherry-picking of medical and legal evidence that supports an anti-transgender narrative objective whilst overlooking much larger, more comprehensive evidence that does not support such anti-transgender policy objectives

- Highly co-ordinated fundraising which frequently exploits psychological techniques such as scare-mongering, or using examples of transgender sex offenders or criminals to generalise about all transgender people
- Increasing normalisation of borderline or extreme anti-transgender attitudes in professional service industries such as law, medicine, and academia

It is possible, perhaps probable, that some of these groups receive funding from foreign political and religious organisations with an interest in regression of human rights for transgender Australians. The *Alliance Defending Freedom* is an American tax-exempt religious lobby group known for financing foreign organisations campaigning against transgender human rights. It has 395 full time employees and generates \$105m USD (\$158m AUD) of revenue annually. The *American Family Association* is also widely understood to be funding professional anti-trans organisations around the world. American Family Association owns 200 radio stations and a journalism arm. It reported \$22m USD in annual revenue in 2020.

Powerful and influential figures frequently respond to anti-transgender dog-whistles and rhetoric in the media, and commit further funding and resources to the regression of human rights for transgender individuals. Business magnate Elon Musk (net worth of \$189b USD) has pledged to lobby for criminalising healthcare interventions for transgender youth, and book author JK Rowling (net worth \$1.1b USD) has donated money to fund litigation cases involving discrimination and transgender human rights. The current Australian constitutional challenge to transgender anti-discrimination protections in *Tickle v Giggie*, presently before the Federal Court, raised \$484,000 AUD in crowdfunding.

Anti-transgender lobby groups in Australia now appear to be highly organised, well-funded, and well-resourced. Anti-transgender attitudes are now highly normalised in government and professional services organisations. By contrast, 48% of LGBTI advocacy groups in Australia have an annual budget of less than \$10,000 AUD, with less than \$1.4m AUD in philanthropic funding going to LGBTI (not exclusively transgender) causes in Australia, according to the [National LGBTIQ+ Community Impact Report](#).

Recommendations:

We make the following recommendations to treat and address issues of systemic widespread misinformation and disinformation and the resulting climate of anti-trans prejudice:

1. A national taskforce be established to monitor and combat the systemic spread of disinformation and misinformation about transgender people and topics in the mainstream media
2. The current press self-regulatory ethics regime be disbanded and replaced with an independent statutory body with proper enforcement powers
3. Federal anti-discrimination laws be modernised as follows:

- (a) New protections be introduced against harassment on the grounds of sexual orientation, gender identity, or intersex status, consistent with sex and disability characteristics, in the *Sex Discrimination Act 1984*.
- (b) New national anti-vilification and anti-hate laws be introduced protecting LGBTIQ+ people and others from public hate-based conduct which humiliates, intimidates or has profound and serious effect on their dignity or sense of safety.
- (c) The federal costs regime be reformed to eliminate the current asymmetric costs structure which discourages transgender Australians who experience discrimination from pursuing a legal remedy. We recommend the introduction of a costs regime similar to Section 1317AH of the Corporations Act 2001 (Cth).
- (d) The positive duty to prevent discrimination should be extended to transgender Australians who are some of the most at-risk individuals in Australian society. We recommend replacing the positive duty under section 47C of the SDA with one that extends to all attributes protected under the SDA and which extends to all duty holders wherever they have existing obligations under the SDA. We also recommend inserting identical positive duties under the Age Discrimination Act, Disability Discrimination Act and Race Discrimination Act.
- (e) Repeal exemptions across the entire federal anti-discrimination framework, including the Fair Work Act and the Sex Discrimination Act, that allow religious organisations to discriminate against transgender students, teachers, and service consumers. Religious schools and service providers today receive billions in public funding, requiring transgender Australians to contribute to funding those organisations that discriminate against them.