



Pride in Law

NSW CHAPTER

FEATURE ARTICLE

EQUALITY IN NAME ONLY: GENDERED HATE SPEECH AND THE LIMITS OF OUR LAWS

By Lauren Devine (she/her)

Sexism and homophobia continue to significantly affect the lives of women and Queer individuals, with many facing both forms of discrimination. Living at the intersection of these prejudices presents challenges both culturally and legally. Issues like hate speech and gender-based violence are prevalent in Australian



society, and the legal system should be designed to protect the community from such harm. However, does the law truly safeguard its citizens?

To create meaningful social change, we must question why the law, which should reflect our values and rights, often favors outdated traditions over progress and equality. The

feminist movement and the Stonewall Riots highlight the importance of challenging the status quo. Women have long been the driving force behind social change, leading movements and challenging systems to create more equitable and inclusive societies. Elizabeth Cady Stanton was central to sustaining the suffragette movement, while Marsha P. Johnson and Stormé DeLarverie played pivotal roles in the Stonewall Riots, which sparked international protests against the mistreatment of LGBTQIA+ individuals.

It should be noted that many Queer women also carry a lot of privilege. Race is a highly significant demographic when compared with sexual orientation or gender, and people of color are disproportionately targeted by **hate speech** compared to white people. The UN Strategy on Hate Speech defines it as communication that uses discriminatory language to target individuals or groups based on their identity.

Hate speech, especially racial hate speech, has not only psychological effects but can also result in real-world violence, particularly for women of color. This discrimination can lead to serious consequences, including physical harm. While all women are vulnerable to gendered hate speech, certain groups, including women of color, Indigenous women, gender non-conforming women, and lesbian, bisexual, and trans women, face heightened risks. These groups are more likely to experience severe forms of hate speech, such as threats of rape or death.

Hate speech is widespread in Western societies, and in Australia, it is often used to silence women and restrict their participation in public life. This is rooted in the patriarchal structures that have shaped society for centuries.

Despite laws criminalising hate speech and hate crimes, gendered hate speech remains a particularly dangerous form. It harms not only the individuals targeted but society as a whole. Gendered hate speech threatens democratic values by undermining equality, freedom of expression, and social cohesion. It perpetuates discrimination and violence, marginalising women and gender minorities while fostering an environment of hostility and division. This erodes trust in institutions, stifles open dialogue, and weakens the democratic principles of respect, inclusion, and human dignity.

Though the Equality Bill passed in federal parliament this year, it failed to fully protect the LGBTQIA+ community, particularly by not criminalising serious vilification. Hate speech has been weaponised, often by those in positions of power, such as white, cisgender, heterosexual men. This form of speech seeks to exclude marginalised groups from participating in democratic discourse.



The Australian government acknowledges that sexist and misogynistic language fuels gender-based violence by reinforcing rigid gender norms and portraying women as legitimate targets of hostility. This harm extends beyond the individual and undermines the dignity of women, leaving them vulnerable to further exclusion and violence.

In Australia, gendered hate speech has become so ingrained in public discourse that it is now a normalised part of everyday life. Social change is urgently needed,

and this change must be led by legislation and policy that protect women. When women do not exist to fulfill male expectations, they often become the targets of discrimination and violence.

While anti-vilification laws provide some protection, they do not address gendered hate speech comprehensively. This gap in legal protections allows harmful gender norms to persist and continue to shape society. Australia's approach to gender-based violence remains flawed, addressing individual cases rather than tackling the systemic causes.

While men also face gendered hate speech, especially when deviating from traditional masculine roles, the intersection of being Queer and female-identifying or presenting is particularly stigmatised. The fetishisation and hatred of Queer women is a deeply ingrained form of discrimination that remains largely unaddressed in Australian law. To create a truly inclusive society, Australia must protect all of its citizens, not just those in privileged groups.

Learn more...

Do you want to better understand the intersection between LGBTQIA+ rights and women's rights? Here's a short reading list.

David S Cohen, 'Keeping Men Men and Women Down: Sex Segregation, Anti-Essentialism, and Masculinity' (2010) Drexel University Thomas R. Kline School of Law, 33.

Michael Flood, 'Harming Women with Words: Why Violence to Women and Girls Happens and How to Prevent It' (2007).

Nathan Hall, Abee Corb, et. al., The Routledge International Handbook on Hate Crime (Routledge, 2017).

Nichola Henry and Anastasia Powell, Framing Sexual Violence Prevention: What Does it Mean to Challenge a Rape Culture? (Palgrave Macmillan, 2014).

Author Spotlight

Meet Lauren Devine (she/her)



Lauren joined Pride in Law in early 2022 as part of the NSW Implementation Team and later was appointed the role of NSW Advocacy Officer.

Lauren is a final-year law student at the University of Newcastle and a graduate of a Bachelor of Arts majoring in history.

Lauren is deeply passionate about LGBTQIA+ rights and women's rights and loves to engage with community, advocate, educate, and learn about these issues.

Beyond the advocacy and volunteer work Lauren undertakes, she works as a Paralegal at The Family Law Co in the Hunter Region.

Lauren has co-founded a non-profit called The Rainbow Roundtable that works to bring resources on LGBTQIA+ conversations and education to rural and regional communities in Australia. She also sits as the Resource Coordinator in the Legal and Political Affairs team at Voices of Influence and hopes to make knowledge sharing and political and legal literacy more easily accessible and wide-spread amongst Australian youth.

Thank you Lauren for your wonderful contribution to the Pride in Law NSW newsletter!

Want to write a piece?

Send submissions to communications.nsw@prideinlaw.org

What's been happening?

Our NSW Executive have been busy delivering fabulous advocacy events recently and we wanted to thank all of our members, sponsors, community members, and allies who attended.

There were so many beautiful moments of knowledge-sharing, advocacy, education and, of course, community. The insights that the panellists provided were enlightening, interesting, and inspiring. A special thank you to Alex Greenwich MP, Anthony Venn-Brown OAM, Ghassan Kassisieh, Anna Burns, and Ashurst for their amazing work on this event.



Upcoming Events

IDAHOBIT EVENT

DENTONS

Save the Date - Thurs 15 May

The NSW Chapter of Pride in Law are thrilled to announce that we will be celebrating International Day Against LGBTQIA+ Discrimination (IDAHOBIT Day) with Dentons.

The event will feature a panel of experienced LGBTQIA+ advocates and legal professionals to share their stories and experiences with upcoming legal practitioners.

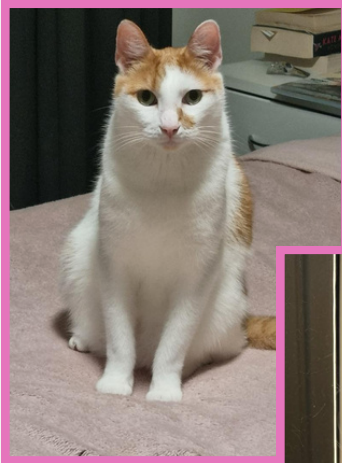
The event will be held at 6pm on Thursday 15 May in the Sydney Dentons office.

More details and registration to come!



Proud Pets

With paws, purrs and pride... Pride in Law NSW is embracing diversity in our furry, feathered and scaly friends!



INTRODUCING...

SANDY & YODA

*Paw-rent: **Dion Bull,**
NSW Communications Officer*

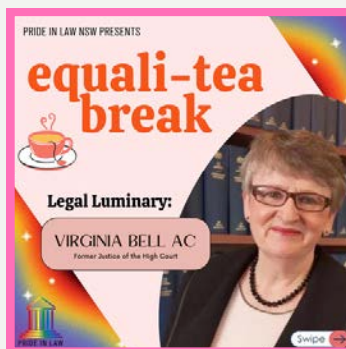
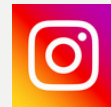
In a quiet spot on the Mid-North Coast, two feline brothers, Sandy and Yoda, share a unique bond despite their contrasting personalities. Yoda is a laid-back, chubby cat who enjoys lounging in the sun, napping, and occasionally giving his brother some grief. Sandy, on the other hand, is a bundle of energy, always getting into trouble with his acrobatic antics and playful mischief.

Though their personalities differ, they balance each other perfectly. Yoda keeps an eye on Sandy, while Sandy brings excitement and joy into Yoda's calm life. Together, they show that opposites don't just attract—they make the best of friends.

*Do you have a Proud Pet (or two)?
Introduce them to us with some photos
and fun facts! Send submissions to
communications.nsw@prideinlaw.org*

Want more Pride in Law?

FOLLOW @PRIDEINLAW ON



OR VISIT OUR WEBSITE: <https://www.prideinlaw.org/>

Write for us!

This newsletter is a place for you, our members and sponsors! We accept all kinds of submissions, including:

- Feature articles about LGBTIQ+ news or issues
- Spotlight on legal professionals, students or organisations doing great things for LGBTIQ+ people
- Letters from our sponsors or members, about your work, aspirations or journey
- Proud Pets (incl. photos!)
- Any other ideas you might have!

Send submissions to communications.nsw@prideinlaw.org