



THE COUNTESS

Submission To The Review Of The Equality Acts
2021

Submission by The Countess Advocacy Group on the proposal by Government to amend the Equal Status Act to include gender identity as a protected ground.

3) The scope of the current definitions of the nine equality grounds. This will include consideration of the gender ground, the disability ground and whether new grounds should be added, such as the ground of socio-economic discrimination.

Executive Summary

The position of The Countess Advocacy Group¹ is that trans rights are human rights. Trans people - just like everyone else - should be treated with respect, compassion, and dignity. Trans-identified people must have every possible human and civil right, but not at a cost to women and children.

But trans rights activists are pushing for trans people to be treated in every respect as if they were the opposite sex by simply “identifying” as the opposite sex. It is not scientifically possible to change the biological sex we were born with, which is determined at conception.

On that basis, we are opposed to the inclusion of “gender identity” as one of the protected grounds in our Equal Status Act, **where it displaces or supplants the primacy of biological sex as one of the protected grounds and interferes with the provision of single sex spaces and services for women and girls; fair competition in sports; ring-fenced opportunities for women by way of positive action; and safeguarding of children.**

To include “gender identity” without protecting women’s rights and providing safeguarding for children, will have serious adverse consequences for women and young people, particularly girls, and over time will have an untold negative impact on our society as a whole and would represent a step backwards for women’s rights in Ireland.

It is vital that protection from discrimination on grounds of gender identity **does not** mean that a “self-declared gender identity” entails an entitlement for trans identifying males to access female only single-sex spaces, services, sports or opportunities. Failure to do so will be placing on a statutory footing that males claiming female identity would be treated as if they **ARE** actually the opposite sex for the purposes of the Equal Status Act. This could be interpreted as granting them access to private female only spaces and services, as already outlined, and would have the effect of **eliminating all safeguarding measures currently in practice to protect vulnerable people and women and girls.**

Legal opinion sought by The Countess advocacy group on this matter highlights the very real risk that expansion of the gender ground will be used to support arguments that men can simply self-identify into female-only spaces, sports categories, vocational opportunities supposedly ring-fenced for women and that those arguments will succeed.

The current position with the Equal Status Act 2000 (ESA) is as follows:

Section 3, ESA, defines discrimination in terms very similar, though not quite identical to section 6 of the Employment Equality Act (EEA). Unlike the EEA, the ESA contains at section 3(1)(c) a general definition of indirect discrimination:

¹ <https://thecountess.ie/>

“where an apparently neutral provision would put a person referred to in any paragraph of section 3(2) at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”.

Section 5(1) of the ESA then prohibits discrimination in the provision of goods and services; and the subparagraphs of section 5(2) exclude the effect of that prohibition in various specific contexts.

Section 5(2) provides, so far as material for present purposes

... [S]ubsection (1) shall not apply in respect of—

(c) differences in the treatment of persons on the gender ground in relation to services of an aesthetic, cosmetic or similar nature, where the services require physical contact between the service provider and the recipient,

(f) differences in the treatment of persons on the gender... in relation to the provision or organisation of a sporting facility or sporting event to the extent that the differences are reasonably necessary having regard to the nature of the facility or event and are relevant to the purpose of the facility or event,

(g) differences in the treatment of persons on the gender ground where embarrassment or infringement of privacy can reasonably be expected to result from the presence of a person of another gender...

These are outlined by the IHREC;

Gender:

The Acts allow people to be treated differently on ground of gender in relation to:

- **Cosmetic Services**, covering cosmetic, aesthetic or similar services which involve physical contact (e.g. hairdressing);
- **Privacy/Embarrassment**, where embarrassment or breach of privacy could reasonably be expected to happen on account of the presence of a person of another gender.
- **Single sex schools are allowed**. Primary or secondary schools may be girls or boys only.

Without legal clarity, any man who wishes to do so, can abuse/take advantage of Self I.D. to gain access to female only spaces, sports categories, vocational opportunities supposedly ring-fenced for women. This is already happening in the UK: both in the non-binding first instance decision (Birmingham employment tribunal in *Taylor v Jaguar Landrover*; and the permission judgement of Henshaw J in *AEA v EHRC*); and in widely-promulgated misinformation about the law.

This will also adversely impact on child safeguarding, for example, in California a male sex offender claimed to be transgender to access a female only space where he exposed himself to women and girls (See Appendix 1); in Loudoun County School, a teenager wearing a skirt entered the girls toilets and sexually assaulted a teenage girl. (See Appendix 2)

The introduction of gender Self I.D. has already led to unintended adverse consequences for Irish society, for women’s rights and for child safeguarding.

In our submission, we will refer to the eleventh hour switch from a medically certified model to Self I.D., and how it has failed in its promise to minimise medical or surgical interventions. Instead we will emphasise that Self I.D. and the subsequent embedding of transgender ideology by the Irish Government in schools, in language and in law, has fuelled the drive for “gender affirming surgeries” and the exponential rise in young people, girls in particular, presenting with gender dysphoria.

Lobby groups with unfettered access to high-level Government Ministers, and NGOs captured by gender ideology, have played a huge part in re-engineering society while stifling all forms of public debate on issues that gravely impacts on our society.

Indeed Ireland was commended in the Denton's report² on how to successfully bring in unpopular legislation "under the radar" and on the back of more popular legislation such as the marriage referendum, without the public's knowledge.

In 2015, when the Gender Recognition Act (GRA) 2015 was enacted, 85% of TDs in the Dáil were men, and the impact of this law on women's rights was completely overlooked or ignored.

And currently, the results of a Freedom of Information request show that there was no impact assessment conducted by the Government into any possible adverse effects on any other group arising from the proposed change to include "gender identity" as a protected ground in our Equality legislation.

We summarise our submission below:

Section 1 will outline our proposals regarding the proposed amendment of the Equal Status Act to grant protected status to "gender identity". We based our recommendations on the RedC poll which we commissioned, where the majority of those polled are in favour of preserving women's sex based rights.

Section 2 will summarise the events surrounding the passing of the GRA in 2015; the role played by the Yogyakarta Principles while they were never binding on the State; and how this important legislation was enacted without the public's knowledge to allow men to "identify" as women, and women to "identify" as men, as if they had changed sex.

Section 3 will set out the adverse effects of Self I.D. and the conflict with Irish women's rights.

- Violent trans identified males are being housed in the Women's Prison Limerick, placing vulnerable women at risk and ignoring their human rights, despite evidence that these trans identified males retain their pattern of male criminality. **(See Section 3.1)**
- The harms being done to young Irish people through indoctrination of transgender ideology in our schools, and the inaccurate information being rolled out by activist groups who are permitted access to Irish school-going children. **(See Section 3.2(a),(b),(c),(d))**
- The very real threat of social contagion responsible for the rise in Rapid Onset Gender Dysphoria that is leading to an exponential rise in referrals to gender clinics. The medicalising of young people with puberty blockers that seeks to stop puberty, when it is acknowledged that in higher than 80% of cases, gender dysphoria is cured by a natural puberty. (See **Section 3.2(e)**)
- "GoFundMe" appeals for "gender affirming surgeries" are being advertised online on social media platforms.
- Single sex spaces – women have fought hard for sex-based legal protections. Female-only spaces are necessary due to the pervasive threat of male violence and sexual assault. In 2021 there was attempts to roll out unisex toilets in all newly built schools without consulting parents. Also in 2021 five males were caught performing lewd acts in public places. In one case, the man while dressed as a woman performed a lewd act in the changing rooms of a department store. **(Section 3.3)**
- People with disorders of sexual development (DSD) are being used as a political tool to further the aims of the trans lobby, despite repeated requests from those effected by DSDs to stop this practice. **(Section 3.4)**
- Gender-neutral language and public policy that impacts on women and women's health hides the differences between the sexes and covers up the unique disadvantages faced by women and girls compared to men. The deletion of women in language and in law has come about as a direct result of the Gender Recognition Act 2015 and the removal of the word "mother" from female specific legislation, and the word "women" being replaced with the phrase "people with a cervix". **(Section 3.5(a))**

² See section 3.6(a) of this submission.

- Reduction in the opportunities for women: trans identified males taking roles specifically mandated to encourage women’s participation i.e., female sports, female specific awards, representation on the board of women’s organisations. **(Section 3.5(b))**
- The lack of debate and attempts to silence debate show how the Denton’s strategy has been used to force trans ideology onto an unsuspecting public. Trans activists have captured the political discourse in this country. **(Section 3.6(a))**
- The chilling effects on public discourse by the trans activists through attempts to silence the media and anyone who dares to challenge trans ideology. Irish NGOs, who have also been captured by trans ideology, sought the withdrawal of political representation from anyone who “defends biology”. **(Section 3.6(b)(c))**
- The drive for “inclusion” of LGBTI+ people in sport and how it has the potential to conflict with the safety and fairness of women and girl’s participation in sports. **(Section 3.7)**

Section 4 highlights worrying international trends since the introduction of transgender policies and prioritising the “social construct” of gender identity above biological sex. It is women and girls who are being marginalised and losing out because of these policies. Trans identifying males are replacing women and women are being pushed out of our own lives. Female academics are being hounded out of academia. Censorship, and attacks on freedom of expression are becoming more and more prevalent as trans rights activists and lobbyists gain more power and influence.

Section 5 outlines some examples of the beginnings of a push back internationally against the regressive trans ideology in the U.S., U.K., Australia, Sweden and Finland. People are waking up to the harms of gender ideology and are no longer willing to accept it without debate.

We further expand upon these arguments in the following document.

SECTION 1

We base our recommendations on the results of the first ever-public poll of Irish people conducted by RedC on behalf of thecountess.ie Our RedC Research poll questioned a representative sample of 1,001 adults in 2021 on a range of gender-related issues. It comes amid growing calls for a public debate over gender- and sex-based rights in the light of controversial decisions such as plans to roll out mixed-sex toilets in Irish secondary schools and the selection of the first transgender athlete to compete in the Olympic Games.

- The majority of those polled favour single-sex facilities and care provision, while more than half are opposed to people being allowed to compete in sports of the opposite birth sex.
- More than three-quarters of respondents (77%) agreed that people should have the right to request that intimate medical examinations are carried out by a person of the same birth sex.
- 62% said public buildings such as schools and banks should have to provide single-sex toilets.
- 64% agreed that hospitals should be required to provide single-sex wards.
- 55% of respondents said males who identify as women should not be allowed to compete in women's sports at any level, versus 21% in favour.

The full results of our poll by clicking on the link below.³

Our Proposals regarding amending the Equal Status Act

(a)

The Countess is opposed to the insertion of "gender identity" under the "gender ground" in the Equal Status Act, where it displaces or supplants the primacy of biological sex as one of the protected grounds.

To do so would place a subjective "identity" either above or on a par with biological sex. This is not merely an eccentric academic theory; it raises serious human-rights concerns for vulnerable groups including women, homosexuals and children.

The current protections under the "gender ground" affords protected status to all Irish citizens on the basis of their biological sex.

The Current definition of the "gender ground" under the Equal Status Act is used as a synonym for "biological sex" – (a) that one is male and the other is female (the "gender ground"), and should not be conflated with "gender" which is a social construct.

People who are born with a DSD (disorder of sexual development) are either male or female and have repeatedly requested not to be classified as part of "gender identity" movement.

To date there are upwards of 100 genders – how can you legislate for this and how are citizens expected to live in a world of such uncertainty.

(b) If the Government proceeds to include "gender identity" as a protected ground in the Equal Status Act, we propose the following:

³ <https://thecountess.ie/first-irish-public-poll-on-gender-debate/>

- 1) That the “gender ground” as currently stated in the Equal Status Act be amended to the “sex ground” for men and women, to safeguard the sex based rights of women and girls, and,
- 2) A separate ground be inserted to provide for “gender identity” that does not interfere with female sex based rights and recognises the immutability of biological sex, and,
- 3) An amendment to the “religion ground” to include the term “philosophical belief” as a protection for Irish citizens right to free speech, belief, or lack of belief.
- 4) We also request an amendment to Section 18(1) of the Gender Recognition Act 2015, to amend the word “sex” to “gender” as there is no scientific evidence that human beings can change their biological sex and this obfuscation of language lacks clarity and may lead to misinterpretation of the law.

*Section 18(1) of the GRA, which states: “Where a gender recognition certificate is issued to a person the person’s gender shall from the date of that issue become for all purposes the preferred gender so that if the preferred gender is the male gender the person’s **sex** becomes that of a man, and if it is the female gender the person’s **sex** becomes that of a woman.”*

SECTION 2

The Introduction of the Gender Recognition Act 2015 (GRA)

Date	Act/Bill Passed	Which Model	Marriage Bar?	Age Limit	16-17 court & medical provision?
17 Dec 14	Initiated	Medical Model	Yes	18	Yes
12 Feb 15	As amended	Medical Model	Yes	18	Yes
17 Feb 15	Bill passed in Seanad	Medical Model	Yes	18	Yes
17 Jun 15	As amended in Select Committee	Self declaration	Yes	18	Yes
9 July 15	Bill passed by Dáil	Self declaration	Yes	18	Yes
22 July 15	Act passed by Dáil	Self declaration	Yes	18	Yes
4 Sept 15	Amended	Self declaration	No	18	Yes

In 2014 the Bill was first introduced into the Seanad with a medical model, but activists were not satisfied that the Draft went far enough.

In February 2015 Prof Michael O’Flaherty, now director of the EU Agency for Fundamental Rights, complained that the bill then before the Oireachtas was “certainly not progressive”.

Citing the 2006 Yogyakarta Principles⁴ of which he had been rapporteur Prof O’Flaherty said that:

*“The Bill should be amended so that the sovereign choice of the applicant is acknowledged. Doctors need to be removed from the picture, as their involvement suggests that gender is a matter of biology. It is only a small step from that to an insistence that people undertake ‘gender reassignment’ surgery and treatments before being recognised in a new gender identity. This would violate the legal standard, reflected in the Yogyakarta Principles, that gender identity ‘may’ but need not ‘involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means’.”*⁵

In May 2015, in the same month as the Irish people had engaged in extensive public debate and voted in favour of marriage equality, the Government quietly dropped the requirement for medical evidence from the bill. In July the Gender Recognition Act 2015 was passed by the Dáil, made up of 85% male, allowing all individuals over the age of 18 to self-declare their own gender identity. Young people aged 16-17 must apply to the Circuit Court to be legally recognised, with parental consent and the submission of certification from a medical practitioner.

Applicants now simply have to fill in a form (“if the required gender is female the person’s **sex** becomes that of a woman” and vice versa) and apply for a Gender Recognition Certificate (GRC) in a different name and can apply for a new birth certificate. This effectively establishes the fiction in law that **people can change sex**, and it has emerged that certain groups of people believe this to be true and act accordingly.

⁴ https://en.wikipedia.org/wiki/Yogyakarta_Principles

⁵ <https://www.irishtimes.com/opinion/gender-recognition-bill-is-in-violation-of-international-human-rights-law-1.2097289>

Despite Prof O’Flaherty’s warnings that without Self I.D. there would be a rush to “gender affirmation surgeries” and that Self I.D. would prevent this, the opposite is actually the case. Since the passing of the GRA and Self I.D., we have become aware that TENI has been lobbying for “trans healthcare” insisting that Irish hospitals provide hormone treatment and perform “gender affirmation surgeries” on young people. We are also aware of lists of “GoFundMe” where young people are begging for donations to enable them to go abroad to have double mastectomies and genital surgeries in places like Spain, Poland, Thailand, Argentina.

Robert Wintemute, Professor of Human Rights Law at Kings College London, is an expert on anti-discrimination law and sexual orientation law, and was one of the co-authors of the influential “Yogyakarta Principles”. He now admits that women's rights were not considered in the drafting of the Yogyakarta Principles and that the international human rights community got it wrong in merging lesbian and gay rights with the idea of a right to have “gender identity” replace sex.⁶

The “Yogyakarta Principles” as espoused by Prof O’Flaherty in his entreaties to the Irish Government for Self I.D. were never, and continue not to be, binding on the Irish State.

Since the passing of the Gender Recognition Act in 2015 Ireland is paying a very high price for “Self I.D.” and the misuse of the term “sex” and ‘gender’ in Irish Law.

“The obfuscation in many official documents, popular discourse and policy language between ‘sex’ and ‘gender’ has contributed to the difficulties of articulating critical intellectual positions on these issues. But policy, the law and research cannot work, let alone make changes and advances, without clear and commonly understood definitions. If large swathes of the population are talking at cross purposes when they use basic terms like ‘sex’, ‘gender’ and ‘gender identity’, it is imperative for spaces to exist where we can discuss what we mean when we use these terms, and what is implied by their use in different contexts.”

The Gender Wars, Academic Freedom and Education - SUISSA - 2021 - Journal of Philosophy of Education - Wiley Online Library⁷

⁶ <https://thecritic.co.uk/issues/april-2021/the-trans-rights-that-trump-all/...>

⁷ https://onlinelibrary.wiley.com/doi/10.1111/1467-9752.12549?utm_source=twitter&utm_medium=organic&HootpostID=678d8a96-3945-4810-9084-00ae742ac1a6&Profile=philosopherseye

SECTION 3 Some emerging trends in Ireland since the passing of the GRA

3.1 Female Prisons

“Within prisons, women occupy an even lower rung in priorities than the average male prisoner. They are demonstrably given less importance than even sex offenders. This can be seen in the treatment of women noted in the OIP’s report itself and also in how the OIP approaches the issues of trans identifying males and women in prison, and the dangerous path for women it would like the Irish Prison Service to embark on, citing supposed “international best practice”.”

Gearóid Ó Loingsigh examines the OIP’s (Office of the Inspectorate of Prisons) latest report into conditions in Limerick Prison⁸

Male pattern violence does not alter if a man claims to be transgender and “identify as a woman”. Yet there are currently three violent trans identifying men (who identify as women) being housed in the female prison estate at Limerick. News reports refer to these trans-identifying males as “women”. These transgender prisoners have fully intact male bodies.

The Office of the Inspector of Prisons (OIP) also refers to these male transgender prisoners as “women”. These prisoners represent a threat to the women in prison, yet the safety of these women is secondary to the demands of male transgender prisoners. This is unacceptable and a cause for concern and was brought about by the enactment of the Gender Recognition Act in 2015.

The issue of body searches by female staff was not considered either when these prisoners were placed in the female estate. Yet again, the dignity and safety of women is secondary to the demands of trans identifying men.⁹

In Ireland 98% of all sexual assaults are committed by biological men. In 2020, 79.2% of victims of sexual violence were females, with females under 18 years of age reporting the most sexual crime. (Source CSO, 2020)

A Swedish longitudinal study found that even with “gender affirming surgeries”, and long-term use of cross-sex hormones, male pattern criminality did not reduce in trans identified males.¹⁰

The researchers state:

‘male-to-females . . . retained a male pattern regarding criminality. The same was true regarding violent crime.’

MtF transitioners were over 6 times more likely to be convicted of an offence than female comparators and 18 times more likely to be convicted of a violent offence. The group had no statistically significant differences from other natal males, for convictions in general or for violent offending. The group examined were those who committed to surgery, and so were more tightly defined than a population based solely on self-declaration.

3.2 Indoctrination of young people

State funded NGO, BelongTo, provides LGBT resources and training for schools and professionals.

⁸ <https://thecountess.ie/limerick-prison-the-rights-of-female-prisoners/>

⁹ <https://www.independent.ie/irish-news/transgender-inmates-are-housed-in-womens-wing-of-prison-40430731.html>

¹⁰ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

BelongTo are an activist group who promote certain ideas and causes rather than deal with evidence-based information. They appear to incorrectly associate gender non-conformity with being trans. They provide training to Irish schools.

On 15 November 2021 an Educate Together Secondary School (ETSS) tweeted support for “Stand Up Awareness Week” and tagged BelongTo in their tweet.

They described being gay as “non women loving non women; lesbian as “a non-man who is attracted to other non-men;” and, bisexual as “a person who is attracted to male, female, and non-binary.” They also described non-binary, pansexual, and transgender.

The ETSS deleted their tweet a day later following feedback from concerned people.

3.2.(a) In their “Stand up against bullying” resource pack BelongTo provide definitions for terminology used by LGBT+ individuals.¹¹

They describe gay and lesbian people as “someone who is mainly attracted to people of the same gender”. This is homophobic because gay and lesbian people are attracted to “people of the same sex”.

Being gay or lesbian is a sexual orientation, not an “identity”. We have also seen situations where trans identifying men are calling themselves lesbians and referring to lesbians who reject them as partners as “transphobic”.

BelongTo also advise that students should use the bathroom that matches their “gender identity”; and that students should share rooms on overnight trips with students of the same “gender”.

We see serious safeguarding issues with this type of advice, particularly as the Ombudsman for Children, Dr Muldoon, in May 2021 said his office had dealt with more than 400 complaints about bullying in schools, both at primary and post-primary level, since 2018.

“There is psychological and physical bullying (in schools) between young people with a noted increase in instances of serious bullying resulting in physical and or sexual assault,” Dr Muldoon said. “There are challenges for schools in dealing with the more serious instances of bullying as many schools feel ill-equipped to do so. And there’s a failure of some schools to report child protection welfare issues arising from bullying instances to Tulsa.”

3.2.(b) BelongTo provide a resource booklet “Supporting LGBT+ Young People” – Universal LGBT+ awareness and skills training for professionals working with young people in community or education settings.¹²

In the section on Trans, Non Binary and Other Genders, in the “Dos and Don’ts” section on page 23, they advocate **that parents should not be informed** if their child is identifying as the opposite sex. They advise that if the professional or teacher are asked directly by a parent, to pretend they don’t know, but to encourage the young person to talk to their parents.

¹¹ <https://belongto.org/wp-content/uploads/2019/10/SU19-Resource-Pack.pdf>

¹² <https://belongto.org/wp-content/uploads/2020/11/Creating-Inclusive-Schools-and-Youth-Services-Handbook.pdf>

Identifying as the opposite sex is not a neutral act. The Irish Times on 4 May 2021 reported that there has been an “exponential” growth in referrals to the National Gender Services (NGS), which sees patients over the age of 18. These referrals increased from 50 new patients in 2012, to approximately 275 in 2020, while the average age of referrals has lowered significantly. Crumlin Children’s Hospital has also experienced a rapid growth in demand for its services.¹³

There are lists of crowd funders on social media platforms for young Irish people seeking to have “gender affirming surgeries” – (1) for males this involves: removal of penis and scrotum; construction of a neo vagina and labia; adam’s apple reduction; breast implants; (2) for females: breast reduction or mastectomy; removal of ovaries and uterus; construction of a penis and scrotum.

These surgeries lead to life long sterilisation of young Irish people of both sexes. This is happening in Ireland now as a result of the introduction of gender Self I.D. – the direct opposite of what Prof Michael O’Flaherty stated to the Government when advocating for Self I.D.

3.2(c) Relationship & Sexuality Education 1 (RSE) – developed by HSE Health & Well Being (the sexual health and crisis pregnancy programme and the education programme), with input from BelongTo.

This resource is to be used when teaching RSE to pupils in the Junior Cert cycle.

Students learn that “**sexual orientation is a spectrum**” (Page 3) and that everyone has the right to be respected and accepted for who they are.

Students are introduced to the concept of the **gender spectrum** (Page 3) and, through video clips, the class will hear about the real experiences of young people who identify as transgender or genderqueer, as well as the experiences of their parents. Students will be introduced to many of the terms and definitions that exist under the gender umbrella.

The embedded video is from the US and discusses “sex assigned at birth that doesn’t match gender identity”, that a person can be male, female, both or neither, and that gender is on a spectrum.

Concerns with the contents of this educational resource

The contents of this resource indoctrinates children and young people into gender theory/ideology as if it was proven fact. Schools are places designed to educate our children, not to indoctrinate them. Children who are gay, lesbian or gender non-conforming are hearing the message that they are actually trans, and this could lead to social transition and ultimately medical transition. This is homophobia disguised as something progressive and positive.

This booklet contains a number of inaccurate definitions and concepts such as:

- **Sex is “assigned at birth”.**

Our response: The sex of the foetus is determined at conception, can be accurately ascertained by a medical professional using diagnostic equipment at 13-14 weeks gestation and is **observed** at birth.

- **Lesbian:** A woman who is **mainly attracted** to other women. **Gay:** A man who is **mainly**

¹³ <https://www.irishtimes.com/life-and-style/health-family/gender-distress-treatment-in-young-people-a-highly-charged-debate-1.4602455>.

attracted to other men.

Our response: Being lesbian or gay are sexual orientations where women or men are attracted to people of the same biological sex. Biological sex is the determinant for same sex attraction, something that was only de-criminalised in Ireland in 1993. We now see the skewing of this sexual orientation through the “queering” of language by trans activists who claim that “transwomen are women” and “transmen are men” as if they can be suitable sexual partners for gay and lesbian people. It is impossible for humans to change their biological sex, but young people are being indoctrinated into believing that this is actually possible.

- **Non-binary** refers to people whose gender identity does not fit into simple male and female categories. They may feel that they are neither gender, both genders or somewhere along a continuum.

Our response: Declaring an identity of “non-binary” is a very vague concept. We fail to see how you can consider legislating for this to be a protected ground.

- **Some people may be assigned intersex when their reproductive, sexual or genetic biology does not fit the traditional definitions of male or female.** (Page 10 of the booklet.)

Our response: variations of sexual characteristics vary within males and females and yet this variation does not mean that someone with ambiguous sexual organs is less male or female.

Trans activists frequently refer to intersex biology as “proof” that sex is a spectrum. Although some intersex people have adopted queer politics, the conflation of trans and intersex has been a concern of many people who do in fact have one of the known DSDs. Trans and intersex are simply not the same thing.

Not all DSDs lead to anatomical characteristics of both sexes. There are about 40 known conditions, which include atypical genetics, endocrine function, and/or physical characteristics not typical of the person’s sex. That is, there are men with DSDs and women with DSDs. Almost all DSDs are sex specific. A person may not even be aware they have a DSD unless there are clear anatomical signs.

Some transgender people refer to themselves as intersex, even though they may not have one of the established DSDs.

Misinformation within school

Presenting intersex as an “identity” is increasingly being introduced into schools, with little consideration that a child or young person living with a variation of sex development, may not like, use or even know the term applies to them. A recent example of this was highlighted in the school information provided by Shout Out¹⁴ who presented ‘intersex’ alongside identities including queer, pansexual and non-binary – with little reference to the very different issues faced by young people with a DSD.

3.2(d) Provision of false information to General Practitioners and Transitioning of minors

There is no evidence base for transition of minors: 80%+ desist without medical intervention. (Source HSE)

¹⁴ <https://www.shoutout.ie/blog/attitudes-of-secondary-school-students-in-ireland-towards-intersex-issues>

But children referred to the UK's largest gender clinic (where many Irish children were referred) were vastly more likely than average to present with autistic traits.¹⁵

"These children and young adults are being sold a story that allows them to feel seen and embraced for a brief moment, before being abandoned to the downstream effects of having disrupted an ancient system with no plan, and no escape."¹⁶

Heather Heying, Evolutionary Biologist

In February 2021 the Irish College of General Practitioners, (ICGP) issued a "Guide for Providing Care for Transgender Patients in Primary Care Quick Reference Guide, Published January 21, Authors: Dr Des Crowley, Ms Vanessa Lacey (Transgender Equality Network Ireland, TENI)", to Irish General Practitioners.

The original Guide stated that treatments for adolescents included the use of:-

"Reversible interventions: these involve the use of GnRH analogues to suppress oestrogen or testosterone production (puberty blockers) and as a result delay the physical changes of puberty."

Following a number of queries to the ICGP by concerned parents regarding this claim in the guide that puberty blockers were reversible, the ICGP updated the Guide with the following:-

There is limited research evidence available regarding the long-term effects of hormone and puberty blockers in children and adolescents (29)(31). In a systematic review Chew et al concludes that low -quality evidence suggests that hormonal treatments for transgender adolescents can achieve their intended physical effects, but evidence regarding their psychological and cognitive impact are generally lacking. Future research to address these knowledge gaps and improve understanding of the long-term effects of these treatments is required (31).

This is further evidence of a haphazard approach by TENI regarding the health and well being of young Irish children and adolescents who may desist in their gender dysphoria when they reach puberty.

Why would any organization seek to prevent the possible cure for gender dysphoria by suppressing puberty through the use of puberty blockers?

And why is the Irish government enabling this?

3.2(e) Rapid Onset Gender Dysphoria (ROGD) through Social Media and Government Policy.

There have always been a number of people, whose biological sexed bodies caused them distress. For a tiny handful (0.01% of the population) medical transition was a way for adults to alleviate their distress but we are witnessing a social phenomenon with a reversal of birth sex, from traditionally male to female, presenting as transgender and an increase of 4,400% of girls wishing to transition. This diagnostic craze cannot be explained by a greater tolerance in society toward trans people or we would be observing many middle-aged women transitioning. There are none.

¹⁵ <https://www.statsforgender.org/nearly-half-of-children-with-gender-dysphoria-scored-in-the-mild-moderate-or-severe-range-of-risk-factors-for-autism-spectrum-disorders/>

¹⁶ <https://naturalselections.substack.com/p/childrentransitioning>

“Currently, we appear to be experiencing a significant psychic epidemic that is manifesting as children and young people coming to believe that they are the opposite sex, and in some cases taking drastic measures to change their bodies. Of particular concern to the author is the number of teens and tweens suddenly coming out as transgender without a prior history of discomfort with their sex.

“Rapid-onset gender dysphoria” is a new presentation of a condition that has not been well studied. Reports online indicate that a young person’s coming out as transgender is often preceded by increased social media use and/or having one or more peers also come out as transgender. These factors suggest that social contagion may be contributing to the significant rise in the number of young people seeking treatment for gender dysphoria.”

Lisa Marchiano’s (Certified Jungian Analyst) paper on psychic epidemics¹⁷

As previously stated, the Irish Times reported on an upswing in the number of young people presenting to gender clinics with gender dysphoria. Social media and the Government’s own actions may have played a role in driving this trend.

Similar to Ireland, internationally the age of onset of gender dysphoria has increased from preschool-aged male children to adolescents, and seems to be occurring in adolescents with no childhood history of gender dysphoria.¹⁸ “Between 2016 – 2017 the number of gender surgeries for natal females in the U.S. quadrupled, with biological women suddenly accounting for 70% of all gender surgeries.¹⁹ In 2018, the UK reported a 4,400% rise over the previous decade in teenage girls seeking gender treatments.²⁰

In this regard, it is notable that the social media platforms like YouTube, Twitter, Instagram, Tumblr, TikTok, Reddit and Facebook are all popular hubs for sharing and documenting a sexual transformation; seething over “transphobia”; celebrating the superpowers conferred by testosterone; offering tips for procuring a prescription; and commiserating on how hard it is to be trans today.

In Canada, Sweden, Finland, and the UK, clinicians and gender therapists began reporting a sudden and dramatic shift in the demographics of those presenting with gender dysphoria – from predominately pre-school aged boys to predominately adolescents girls.²¹ In a 2018 study, 65% of Rapid Onset Gender Dysphoria (ROGD) cases were found to be due to social contagion from prolonged social media immersion.²²

3.3 Single Sex Spaces

3.3(a) Schools

¹⁷ <https://www.tandfonline.com/doi/full/10.1080/00332925.2017.1350804?scroll=top&needAccess=true>

¹⁸ From Abigail Shrier’s Book “Irreversible Damage”

¹⁹ (2017 Plastic Surgery Statistics Report, American Society of Plastic Surgeons.)

²⁰ Gordon Rayner, “Ministers orders inquiry into 4,400% rise in children wanting to change sex”

²¹ (Nastasja M. de Graaf et al., “Sex ratio in Children and Adolescents Referred to the Gender Identity Development Service in the UK; Referrals to GIDS, 2014/15 to 2018/19; Gender Identity Development Service, June 25, 2019; Madison Aitken Xen al., “Evidence for an Altered Sex Ratio in Clinic- Referred Adolescents with Gender Dysphoria,’ Journal of Sexual Medicine 12, no. 3 (January 2015), 756-63.”)

²² L. Litman, “Parents report of Adolescents and Young Adults perceived to show signs of a Rapid Onset of Gender Dysphoria,” PLoS One 14, no.3 (August 16, 2018).

In 2021 new technical guidance issued from the Department of Education which stated that single sex toilets were to be no longer provided in secondary schools when building new schools and retrofitting older schools. These changes were to be mandatory and tied to funding. Parents were not consulted. The public was not consulted.

Single sex toilets are necessary for the privacy, dignity and safety of all schoolchildren, especially girls, and are currently supported by the Equal Status Act, which provides for the provision of different treatment on the basis of gender where “embarrassment or breach of privacy could reasonably be expected to happen on account of the presence of a person of another gender.”

The guidance had been introduced without having considered the specific needs of female students; without having carried out an appropriate assessment of the risks to girls and without having considered the appropriate application of the Equal Status Act.

3.3(b) Public Toilets/Spaces

- In July 2021 it was reported that a fifth man had been arrested for lewd behaviour in the men’s toilets in Marks & Spencers. What would stop these men behaving in such a manner in the women’s toilets if they wish to claim their “gender identity” as women? Where are the safeguarding measures to prevent harm to women and girls if they are granted protected characteristic on a par with biological sex? ²³
- Also in July 2021 another man was found dressed in woman’s clothes performing a lewd act at the checkouts in a Dublin store. He was previously observed performing the same act on different days in three separate stores on the shop floor and in the changing rooms. ²⁴

Conclusions

If you open up female spaces to anyone who “identifies” as a woman, you risk opening up female spaces to people who would misuse gender self I.D. merely to gain access to women only spaces, such as the incident at the Wi-Spa in California ²⁵ (Appendix 1) and Loudoun County ²⁶ (Appendix 2).

Women have fought hard for sex-based legal protections. Female-only spaces are necessary due to the pervasive threat of male violence and sexual assault. In the first ever UK study of its kind, 63 of 554 male university students reported that they had committed 251 sexual assaults, rapes and other coercive and unwanted incidents in the past two years. ²⁷

²³ <https://www.irishexaminer.com/news/courtandcrime/arid-40340573.html>

²⁴ <https://www.offalyexpress.ie/news/national/650669/man-caught-masturbating-while-standing-at-shop-till-is-jailed.html>

²⁵ <https://nypost.com/2021/09/02/charges-filed-against-sex-offender-in-wi-spa-casecharges-filed-against-sex-offender-in-notorious-wi-spa-incident/>

²⁶ https://www.washingtonpost.com/local/education/loudoun-virginia-school-assault-apology/2021/10/15/10853e8e-2ddc-11ec-8ef6-3ca8fe943a92_story.html

²⁷ <https://journals.sagepub.com/doi/full/10.1177/10790632211051682>

3.4 People with disorders of sexual development (DSD) “Intersex” Conditions

Since the introduction of gender self I.D., Disorders of sexual development (DSD) have been wrongly used by gender theorists.

Misinformation within school

Presenting intersex as an “identity” is increasingly being introduced into schools, with little consideration that a child or young person living with a variation of sex development, may not like, use or even know the term applies to them. A recent example of this was highlighted in the school information provided by Shout²⁸ who presented ‘intersex’ alongside identities including queer, pansexual and non-binary – with little reference to the very different issues faced by young people.

No one chooses to be intersex, an extremely rare condition. A person is either diagnosed with a DSD condition (disorder of sexual development) or CCSD (congenital conditions of sex development) or not, but no one can correctly “identify” themselves as intersex. Care must be taken that only people with DSD conditions are included in this category and that no one is allowed to “identify” into what is a complex medical condition.

“Although rare, some individuals have disorders of sex development (also referred to as intersex conditions). Most of these disorders are male or female specific and do not cause ambiguous biological sex. Some individuals have reproductive anatomies with both male and female features; here, biological sex classification is a complex process with input from medical professionals and parents. Not one of these individuals represents an additional sex class.”²⁹

Those who actually do have differences in sex development (DSDs) have repeatedly asked that their medical conditions not be used by gender identity lobbyists. As [Claire Graham](#) says

“I think the thing to remember is most intersex people aren’t interested in being used as a political tool. Most of us understand ourselves as male or female but with a medical condition that caused a difference in how we developed. A lot of the arguments you hear about intersex in the mainstream media either don’t come from intersex people or don’t represent how many of us see ourselves.”

Those with DSDs know themselves to be either male or female with some medical condition that they were born with. Their conditions have nothing to do with how they “identify”. In fact, a [study two years ago](#) found that of 1,040 people with DSDs just 1% wanted to change their sex after puberty. “So, lumping us in with trans en masse is actually not helping 99% of intersex people,” as one woman with a DSD puts it.

The Intersex Mapping Study in Ireland³⁰ used a study design based on an online survey that asked people to “self-identify” as intersex. This is likely to produce inaccurate and unreliable results – as the most important first step when designing any research project, is to accurately define the population you want to study. This is rarely done by academics working on intersex issues, which raises the concern that the work they produce, is misleading and does not represent the people most in need of support.

²⁸ Out <https://www.shoutout.ie/blog/attitudes-of-secondary-school-students-in-ireland-towards-intersex-issues>

²⁹ <https://projectnettie.wordpress.com/>

³⁰ <https://www.dcu.ie/intersex>

3.5 Gender Neutral Language and The Erasure of Women

3.5(a) Hiding the differences between the sexes

“Gender neutral” language and public policy that impacts on women and women’s health through the use of “gender neutral” language hides the differences between the sexes and covers up the unique disadvantages faced by women and girls compared to men. It is interesting to note that this neutralising of language only appears to affect the language specific to women.

Since the enactment of the Gender Recognition Act 2015 the Government has sided with lobbyists and trans activists to alienate women from our own experiences and from using female specific language to describe ourselves.

- The words “mother” & “women” were erased from seven bills and public health guides.
- The HSE refers to women as “people with a cervix” in vital health screening information. This contrasts with the use of the word “man” in health information about prostate health.
- Why the different treatment?

If women and girls are to be visible we need to be empowered to talk about ourselves, our unique experiences and health concerns without feeling that the language we have used for millennia is “non inclusive” and may offend a small number of trans identifying people.

Women are adult human females and we are a species that form part of nature. There is a material, biological reality to women. “Transwomen” or “transmen” on the other hand are social constructs. These terms are an invented idea that deals with a minority of people who may have a “gender identity” that is in conflict with their biological sex.

Through the “queering” of language, trans activists are pushing for women to accept that “woman” has two sub-sets – women and transwomen. Natal women are being pressured to accept the term “cis” to describe ourselves as a subset of our own sex class, thereby paving the way for trans identifying males to claim they are “real women” with access to all female areas. And the government is facilitating this.

This infringes on the rights of women and has come about as a direct result of the Gender Recognition Act 2015.

3.5(b) Trans identifying males taking opportunities from women

- In October 2019, TENI won a prestigious Mna na hEireann, Women of Ireland award. This award is designed to focus on women who are experiencing disadvantage (socio-economic, educational disadvantage, disability, members of minority group and other).³¹
- On International Women’s Day, 2021, (the only day of the year dedicated to celebrating women) a trans identifying male was featured in The Irish Times Women’s Podcast.³²
- A trans identifying male was appointed to the Board of National Women’s Council of Ireland (NWCI) which is a clear conflict of interest.³³
- In November 2019 the NWCI invited members of The Irish Girl Guides to FemFest – *“their flagship event for 16-25 year olds to discuss leadership, equality and planning for the future in a fun and engaging space. The focus will be on universal contraception, young women’s*

³¹ <https://gcn.ie/teni-win-mna-na-heireann-award/>

³² <https://www.irishtimes.com/culture/tv-radio-web/irish-women-tell-tales-of-overcoming-for-international-women-s-day-1.4504170>

³³ https://www.nwci.ie/discover/about_us/our_executive_board

mental health and the equality issues for young women today.” Among the list of speakers was a trans identified male.³⁴

- In 2021 The Irish Examiner published an inaugural list of 100 women in Ireland. This list featured a trans identified male among a list of female scientists, doctors, sportswomen, knitwear designers, mothers, daughters and sisters.³⁵
- Irish Tatler, on International Women’s Day 2020, published a feature *“How to honour our trans sisters on International Woman’s Day”*³⁶

“This includes poor women, rich women, women of colour, fat women, disabled women, trans-women and every other woman under the sun — you are valid, loved, and appreciated.”

- In a Seanad Eireann Debate on 8 March 2021, Labour Party Senator Annie Hoey, stated the following:³⁷
*“On International Women’s Day, there tends to be much reflection on the women who have gone before and the firsts..... No trans woman has ever been elected to the Oireachtas and as long as this House, which is here to represent all the people of Ireland, does not have these **women** in it, it is incomplete.”*

“Trans-women” are biological males who have been socialized as males, with the privileges bestowed by a society dominated by male voices, including our male majority government. In some instances, these trans identified males have lived many decades as men, have fathered children, and progressed in their careers as men. What do these men know of women’s lives or experiences?

Conclusion

The Irish government in their enthusiasm to appear progressive and in their bid to be “inclusive” through the enactment of the Gender Recognition Act and the subsequent “queering” of language, has overlooked that language is a network of interconnected terms. Before embarking on such a plan, the government should have examined all related concepts, and considered what impact their actions would have on Irish citizens.

Because the Gender Recognition Act 2015 states that a man can literally change their sex to woman, and a woman can literally change their sex to man, women and young people are living through the unintended consequences of this law.

Trans identified males, and trans activists/lobbyists, will not have to pay the price for the “queering” of language to include trans identified males into the sex class of women. It is female athletes; women prisoners; candidates for female-only shortlists; lesbians who are coerced into accepting trans identified males as partners; children and young people who are being indoctrinated into a harmful ideology, who will bear the brunt of these policies.

It is evident that trans identified males are now being categorized literally and legally as women by Government and trans rights activists; and that the media, the Courts and certain members of society (including the National Women’s Council) are facilitating this. These transgender males are now in competition with women in a society where women are already under-represented in public life; on boards, in business, on wealth lists etc.

³⁴ <https://www.irishgirlguides.ie/wp-content/uploads/2020/01/IGG-Newsletter-28-November-2019.pdf>

³⁵ <https://www.irishexaminer.com/lifestyle/people/arid-40238822.html>

³⁶ ” <https://irishtatler.com/lifestyle/trans-sisters-international-women-day>

³⁷ <https://www.oireachtas.ie/en/debates/debate/seanad/2021-03-08/13/>

By allowing trans identified males to take places that are designed to support women to participate in public life, the government is undermining women and women's rights, through the manipulation of language, and the enactment of laws that reduces biological women to a subset of our own sex class.

3.6 Lack of Debate/Silencing Debate by Trans Rights Activists

3.6(a) Lack of debate and media analysis around the introduction of the GRA.

In November 2019, the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) Youth & Student Organisation (IGLYO), a network of 96 national and local lesbian, gay, bisexual, transgender, queer and intersex youth and student organisations across the Council of Europe region, published a paper through a law firm called Dentons, on how to progress LGBTQI+ rights.

In the section dealing with the success of the introduction of the Gender Recognition Act in Ireland, the paper stated the following:

“The legislation went under the radar in Ireland because marriage equality was gaining the most focus. In a way, this was helpful according to the activists, because it meant that they were able to focus on persuading politicians that the change was necessary. This is a common technique that we have seen in many of the successful campaigns, and it was very effective in Ireland.”

*“The most important lesson from the Irish experience is arguably that trans advocates can possibly be much more strategic by trying to pass legislation **“under the radar”** by latching trans rights legislation onto more popular legal reforms (e.g. marriage equality), rather than taking more combative, public facing, approaches. Another lesson is that compromise is a double-edged sword. Compromise on legal gender recognition for young trans persons was critical to getting the legislation passed in Ireland, but it might take years to revise the legislation to render it more favourable to trans youth.”*

“In terms of progress for minors, there seems to have been little focus on this generally, except in countries such as Ireland where there are active plans to improve on existing legal gender recognition laws. Part of the reason for this could be that many countries, like Ireland, had to focus on getting laws passed in the first instance, and extending access to minors was a political sticking point.”

The Irish Government, in an attempt to appear progressive and possibly acting out of the best interest of LGBTQI+ people, too readily accepted the word of trans activists, who were operating to a set strategy and who deliberately chose to keep the Irish public ignorant of the law that was about to be enacted.

The “Yogyakarta Principles” were also used by Prof O’Flaherty to force the Irish Government into accepting Self I.D. at the eleventh hour, as apposed to the Medical Model that had been debated extensively.

The 31st Dáil, which passed the Gender Recognition Act 2015, permitting any man to merely fill out a form to self identify as a woman, was made up of 85% male.

Who was speaking up for women at this time?

3.6(b) Censorship of Media

On 11th August 2021, the Irish Times printed an Op Ed by Jacky Grainger, Dr Madeleine Ní Dhailigh and Stella O'Malley on the proposal to introduce a Bill – The Prohibition of Conversion Therapy.

As professionals, they urged caution around the inclusion of gender questioning youth in the Bill, and asked that distressed young people be given the opportunity to explore their gender discomfort with a health professional.

The reaction by trans activists was to call for a boycott of the Irish Times and this has gained traction with Dublin City University ceasing to stock the paper in the campus shop due to pressure by these activists.

The Trans Writers Union published their demands in gnc.ie ³⁸

“Our demands include:

- The Irish Times withdraw and apologise for their recent conversion therapy article, published August 9, 2021.
- The Irish Times take practical, committed steps to adopting a trans-inclusive editorial line.”

Trinity News, and student unions for Dublin City University, NUI Galway and the DunLaoghaire Institute of Art, Design and Technology have also joined in the boycott.

Additionally, a number of writers, performers and producers from the Dublin Fringe Festival have announced that they will not welcome press from the Irish Times to review their shows.

The purpose of this boycott is to silence debate, and create a chilling effect on public discourse, thereby acting out the Denton’s strategy of keeping the general public out of the debate and allowing their agenda to go “under the radar”.

3.6(c) Calling for political representation to be withdrawn

On 20th November 2020, gnc.ie published the following:

“members of Ireland’s LGBTQ+ community have released a powerful open letter in which they reinforce Ireland’s strong ethos of intersectional solidarity and the inclusion of our trans siblings as valuable members of society”³⁹

The letter advocated for withdrawal of political and media representation from “newly launched organisations that seek **to defend biology**”.

“We call on media, and politicians to no longer provide legitimate representation for those that share bigoted beliefs, that are aligned with far right ideologies and seek nothing but harm and division.”

The allegations in the letter are unfounded in the assertion that Irish people who believe that no one can change their biological sex are aligned with “far right ideologies”, or that such people are “transphobic” or “bigoted” for believing there are only two sexes.

Among approximately 83 signatories to the letter, including NGOs and individuals, were:

³⁸ <https://gcn.ie/trans-writers-union-boycotting-irish-times/>

³⁹ .” <https://gcn.ie/irish-lgbtq-community-stand-irishsolidarit-transphobia-trans-day-remembrance/>

- The National Women’s Council of Ireland and one of its Board Members, trans identified male, Sara Phillips,
- TENI,
- Irish Penal Reform Trust,
- Amnesty International, signed by Colm O’Gorman, Executive Director of Amnesty Ireland, who retweeted the letter stating that he was happy to sign the letter on behalf of Amnesty Ireland.
- Rethink Ireland,

Conclusion

“The right to freedom of expression, enshrined in Art. 11 of the Charter of Fundamental Rights of the European Union (Charter), includes the ‘freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers’. Furthermore, the right to freedom of expression extends to the corollary values of ‘freedom and pluralism of the media’.”⁴⁰

“The Court of Justice of the European Union (CJEU) has recognised the importance of the right to freedom of expression as an essential foundation of a democratic society, applicable to all information and ideas, including those that ‘offend, shock or disturb’⁴¹

The stifling of debate by trans rights activists; the call for the denial of political representation from women who “defend biology” by Irish NGOs; calling for the boycott of newspapers until certain demands are met, has a chilling effect on society.

On 26th November 2020, Iseult White, granddaughter of co-founder of Amnesty, Sean McBride, in a letter to The Irish Times, wrote:

“I am a member of the LGBTI family, and in 2015 I supported legislation that gave trans people the right to self-identify without medical gatekeeping.... Nonetheless, the convictions I hold around the importance of freedom of speech and the necessity of affording people with differing views and beliefs legitimate representation, dictates that I could never have signed or supported this letter.

I believe that when an international human rights organisation with the reach and influence of Amnesty International signs a letter that seeks to deny legitimate representation to people of conscience, it has a chilling effect on society.”

3.7 Women’s Sport

“Sports performance is strongly influenced by muscle, skeleton and cardiovascular (CV) capacity, which differ significantly between males and females. Comparing like-for-like competition, the male advantage appears insurmountable. Further, male advantage may create safety and athlete welfare concerns. Thus, to ensure that both men and women can enjoy sport in terms of fairness, safety and inclusivity, most sports are divided into male and female categories.”⁴²

Hilton & Lundberg

⁴⁰ Art. 11 (2) Charter.

⁴¹ .” C-274/99, *Connolly v. Commission* [2001] ECLI:EU:C:2001:127, para. 39.

⁴² <https://link.springer.com/article/10.1007/s40279-020-01389-3>

In June 2021, the Government announced that it was to provide €700,000 in funding for LGBTQIA+ community services. It was stated that this was an important initiative under the previously announced National LGBTI+ Inclusion Strategy 2019-2022.

We note that among the initiatives outlined for the allocation of funds, that BelongTo Youth Services received €51,145 to promote LGBTI+ inclusion in sport.

And we also note that in the strategy, at 6.5, the Government pledged the following:

“As part of the ongoing objective of improving understanding of the landscape of sport in Ireland and to foster better evidence-based decision making, investigate the possibility of using the Irish Sports Monitor to assess levels of active and social participation (volunteering, club membership and attendance at sporting events) in sport among the LGBTI+ community and issues related to such participation.”

There is nothing in any of these policy documents or allocation of funding to explain what is meant by “inclusion”.

While encouraging participation in sport is highly commendable for every member of society, and no one should be prevented from engaging in sport because of their LGBTI+ status, we are aware of worrying global trends of allowing trans identified males to compete against women at all levels of competitive sport.

We are opposed to this, based on a huge body of evidence that has emerged on the lack of fairness with this initiative. Women’s safety and fairness is being compromised by the inclusion of males (who identify as women) in women’s sport.

For example, World Rugby has published guidelines on the safety of trans identifying males competing on women’s rugby teams.⁴³

“Can transgender women play rugby?”

- *Transgender women who transitioned pre-puberty and have not experienced the biological effects of testosterone during puberty and adolescence can play women's rugby (subject to confirmation of medical treatment and the timing thereof)*
- *Transgender women who transitioned post-puberty and have experienced the biological effects of testosterone during puberty and adolescence cannot currently play women's rugby*
- *Transgender women can play mixed-gender non-contact rugby.”*

The Olympics and the IOC

The IOC, the architect of the initial policy that allowed inclusion (of transgender males to compete against women), provided testosterone had been reduced, has admitted that its policy is “not fit for purpose”, but has yet not delivered any changes to it.

Ireland’s Move towards Trans Inclusion

- Dublin City University has a whole section on its website devoted to LGBTQIA+ inclusivity in Sports. Ignoring the LGBTI+ element and focusing on Transgender inclusion, and

⁴³ . <https://www.world.rugby/the-game/player-welfare/guidelines/transgender/women>

working alongside Dublin City University, TENI (Transgender Equality Network Ireland), has produced a video about how to support and include trans and non binary people in sport.

- TENI have also been working with the GAA (Gaelic Athletic Association) with regard to their trans inclusion policy. As yet, no guidelines are available on the GAA website. The same applies to the Ladies Gaelic Football Association and Camogie. There is no mention of how they would include trans identified players in their guidelines.

Participating in sport contains inherent risks, and sports that involve or require physical contact, collision or combat should have safety as its primary focus. When considering “trans inclusion” in sport, female only sports must be preserved and the Government should prioritise safety and fairness, before “inclusion”.

SECTION 4

International trends of concern to The Countess Advocacy Group

Some examples from other jurisdictions where “gender identity” has been afforded protected characteristic status in their equality acts has thrown up a number of worrying trends:

Example 1: Canada

Some emerging trends since the introduction of “gender identity/expression” to the Human Rights Act:

- Under current trans activist doctrine women are not allowed to exclude a man from a woman’s space if he says he is a woman. This includes shelters for women who experience domestic violence and rape.
- Mandating pronouns requires one to use words that are not their own which imply a belief in or agreement with a certain theory on gender. If you try to disavow that theory, you can be brought before the Human Rights Commission for misgendering. Or potentially find yourself guilty of a hate crime. If found to be in contempt of court (for refusing to use the designated pronoun) a deemed offender might go to jail.
- Courts in British Columbia have mandated that preferred pronouns must be used by attorneys and their clients when introducing themselves in court, resulting in the encroachment upon freedom of speech by expecting litigants to use **pronouns that their opponents prescribe**.
- At a case involving a 17 year old girl who wanted to transition to male, the court insisted that the attorney of the mother of the girl, who was opposing her transition, was to refer to the daughter as “a youth, and he” throughout the hearing.
- Violent male criminals, who identify as women, many of whom are male-bodied, are being housed in the women’s prison – thereby eroding women’s rights yet again.

Example 2:

U.K. (where Self I.D. is not law)

- In 2017, the Ministry of Justice reported that 60 of the 124 self-identified trans prisoners on its books were sex offenders, including Karen White, a male bodied paedophile and serial rapist who used his time in a female prison to sexually assault women.
- Mridul Wadhwa secured a position in a rape crisis centre despite being a male without a Gender Recognition Certificate and lying by omission about his trans status. ⁴⁴
- Also in the U.K. women academics have been silenced and de-platformed for their gender critical views. Three examples include Professor Kathleen Stock, Professor Jo Phoenix, Professor Rosa Freedman

⁴⁴ <https://wingoverscotland.com/waiting-for-the-men/>

(a) Professor Kathleen Stock : On 28th October 2021, the Guardian reported: ⁴⁵

“Kathleen Stock, the philosophy professor at the centre of a row over her views on gender identification and transgender rights, has announced her resignation from the University of Sussex. Stock’s resignation comes three weeks after a protest by some students at the university’s Brighton campus, which included posters and graffiti calling for her dismissal. She has said she believes gender identity does not outweigh biological sex “when it comes to law and policy”, and that people cannot change their biological sex. Earlier this month Stock said she had been told by police to stay away from campus, and feared her 18-year career at the university had been “effectively ended” after the Sussex branch of the University and College Union called for an investigation into institutional transphobia.”

(b) Professor Jo Phoenix - Investigation into the de-platforming of academics at Sussex University:

*“On 5 December 2019 the University’s Centre for Criminology cancelled a seminar at which Professor ^[L7]^[SEP] Jo Phoenix of the Open University had been due to speak on the subject of “Trans rights, imprisonment and the criminal justice system”. On the day of the seminar, complaints were made that Prof Phoenix was a “transphobe” who was likely to engage in “hate speech”. ^[L7]^[SEP] There was a credible threat that students planned to barricade the room, and a flyer was circulating which bore a violent image and the words “SHUT THE **** UP, ****”. The seminar was cancelled due to security concerns, on the basis that it would be rearranged. At a later meeting of the Department of Sociology, however, it was decided by vote to rescind the invitation and to not invite Prof Phoenix to a future seminar. An apology was made for the hurt caused to the trans community.” ^[L7]^[SEP]*

Following an investigation it was held that:

“Prof Phoenix should be offered an open apology and an opportunity to give a seminar at the Centre for Criminology.” ^[L7]^[SEP]

(c) Professor Rosa Freedom, a Jewish woman

*“On 30 January 2020 a roundtable discussion took place on the subject of “The State of Antisemitism Today” as part of the Holocaust Memorial Week event organised by the University’s Human Rights Centre. Professor Rosa Freedman of Reading University was on the panel. ^[L7]^[SEP] Complaints had been made to the effect that she had published “**** viewpoints” which were “hate speech. Prof Freedman was given an assurance in December 2019 that she would be formally invited to appear at the HMW event. Concerns about her views on sex and gender were then raised and discussed internally. A decision was made not to send her a formal invitation. She wrote to her MP and the Universities Minister complaining of having been “blacklisted”, and gave an interview to the Sunday Times. In response, a member of the University posted a tweet which compared her views on gender identity to Holocaust denial. The decision made on or before 9 January not to invite Prof Freedman to the HMW event, which was extant until 27 January, was made because of her views on gender identity. The organisers were afraid that if she attended, controversy or disruption would overshadow the event.” ^[L7]^[SEP]*

Following an investigation it was held that:

“Prof Freedman should be offered an open apology.” ^[L7]^[SEP]

⁴⁵ <https://www.theguardian.com/world/2021/oct/28/sussex-professor-kathleen-stock-resigns-after-transgender-rights-row>

These types of incidents are most often targeted against women who assert that sex matters and that biological sex is real – beliefs that were not controversial until quite recently. It is also worth noting that Professor Freedman, a Jewish woman, was accused of Holocaust denial by trans rights activists.

Example 3: United States

- In the **United States**, 60% of jailed women are simply awaiting trial. Eight in ten of those in prison have committed a non-violent offence. Over half have endured violence and/or sexual abuse at home, and their male abusers are often implicated in the relatively scant violent crimes attributed to them. On 1 January 2021, The State of California introduced SB132, resulting in dozens of male inmates being transferred to women’s correctional facilities, with hundreds more also due to be transferred.⁴⁶ At least one of the trans identified male prisoners who was transferred, is on death row, and a considerable number of others are serving life sentences for brutal crimes. The law, as currently drafted, does not allow for the screening out of those men who would use the system to prey on women. A 2009 report found that 20% of trans identified males in California are sex offenders, and 50% have committed crimes against persons.⁴⁷
- In the State of California where trans rights have taken precedent over biological sex, a male sex offender used a disguise of being a “trans woman” to gain access to a female only spa, where he exposed his male genitalia to women and girls.⁴⁸
- I also refer you to a U.S. case of the Loudoun School sexual assault case involving a “trans identifying male” who sexually assaulted a teenage girl in the female toilets having accessed the female toilets as part of school policy to allow such access based on “gender identity”. The same alleged perpetrator then went on to sexually assault another teenage girl after the school failed to notify the relevant authorities of the assault but instead transferred the student to another school.⁴⁹
- A U.S. based transgender couple took part in a video by Friends actor Counteney Cox which featured a trans identifying male allegedly breast feeding an infant with chemically induced breast fluid. The director of Transgender Care at University of California, San Francisco, Madeline Duetsch stated that the practice of male breast-feeding “cannot yet be recommended”. Does this practice centre on the needs of the infant, or does it merely prioritise a male fantasy?⁵⁰
- A trans identifying male, Emilie Decaudin, took a position from a Woman of Colour, Corinne Hayes-Wood, a Queen’s native. “*Decaudin successfully got the NY State Democratic Party to dismantle the ‘one male, one female’ rule – a rule which the women’s suffrage movement fought to put in place.*”⁵¹
- After being an average runner in the male category, Cece Telfer identified as a woman and took the number 1 female spot. “*Telfer had competed in the 400m hurdles on the men’s team in 2016 and 2017, ranking 390th in NCAA Division 2. In 2018, the athlete started*

⁴⁶ <https://www.womensliberationfront.org/news/demand-for-immediate-action-to-protect-incarcerated-women-in-california>

⁴⁷ <https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/0/1149/files/2013/06/Transgender-Inmates-in-CAs-Prisons-An-Empirical-Study-of-a-Vulnerable-Population.pdf>

⁴⁸ <https://nypost.com/2021/09/02/charges-filed-against-sex-offender-in-wi-spa-casecharges-filed-against-sex-offender-in-notorious-wi-spa-incident/>

⁴⁹ https://www.washingtonpost.com/local/education/loudoun-virginia-school-assault-apology/2021/10/15/10853e8e-2ddc-11ec-8ef6-3ca8fe943a92_story.html

⁵⁰ <https://4w.pub/breastfeeding-transwomen-scientists-ignore/>

⁵¹ <https://thevelvetchronicle.com/ny-democrats-quietly-dismantle-1-male-1-female-rule/>

self-identifying as a woman. Then eligible to compete against women according to NCAA rules, Telfer won the women's national championship in June 2020. Telfer's coach, Zach Emerson, ascribed the extraordinary improvement to attitude: "I've never met anyone as strong as her mentally in my life."⁵²

- Young women are losing out on scholarships and other opportunities because of trans identifying males scooping up awards.

"Over the past few years, athletes, coaches and parents have been watching in disbelief as girls are being replaced on the winner's podium by boys who identify as girls at all levels of competition."⁵³

- Fallon Fox, formerly Boyd Burton, is a retired Mixed Martial Arts Boxer, who announced that they were transgender in 2013 and who now competes against women. During a fight against Tamikka Brents, Fox hit her so hard she had an orbital bone fracture and needed seven staples in her head. Tamikka is on record as saying that she 'never felt so overpowered ever in my life and I am an abnormally strong female in my own right'.⁵⁴

Example 4: New Zealand

Laurel Hubbard is the New Zealand champion weightlifter and is setting new records for Women's weightlifting, but Laurel was born male. After living as a privileged son of an ex-mayor of Auckland and a factory owner, Laurel Hubbard identified as a woman and began competing against women in weight lifting competitions. He won a medal from a young indigenous woman, Feagaiga Stowers.

"That is why despite being brown where Hubbard is white, living in a shelter while Hubbard's father is a wealthy ex-politician, and being a female survivor of sexual abuse, Samoan Commonwealth Games champion Feagaiga Stowers can manage only a silver medal. Laurel Hubbard is transgender, so that is the trump card."

Hubbard went on to represent New Zealand in the Olympic Games in Japan and competed in the women's weight lifting competition.⁵⁵

⁵² <https://nationalpost.com/opinion/barbara-kay-transgender-sports-policies-have-thrown-fair-play-out-the-window>

⁵³ <https://www.usatoday.com/story/opinion/2020/06/19/transgender-athletes-robbing-girls-chance-win-sports-column/4856486002/>

⁵⁴ https://en.wikipedia.org/wiki/Fallon_Fox

⁵⁵ <https://www.stuff.co.nz/sport/opinion/120029186/2020-tokyo-olympics-committee-has-bowed-to-pressure-to-include-trans-weight-lifter-in-womens-category>

SECTION 5

Global Opposition to Self I.D.

People are beginning to organise to challenge the harms and attack on women's rights by gender self I.D. Below we have cited some examples.

United States

- The "Women's Liberation Front" (WoLF) with fifteen thousand followers, commissioned a Poll, conducted by Spry Strategies, that found that a majority of likely 2020 voters disagree with policies related to "gender identity" that would remove protections for women in single sex spaces, shelters and sports. The results are based on a national sample of 3,500 likely voters and included detailed representation across regions and political affiliation.⁵⁶
- In April 2021 the Arkansas Legislature passed a sweeping law to prohibit doctors from treating transgender youth with hormone treatments, puberty blockers or surgery.
- Two transgender experts in child transgender healthcare, raised the alarm around puberty blockers and the "affirmation" model of affirming a child in their gender identity, stating that untold damage was being done to children and young people.⁵⁷

Sweden

- Sweden has now ended the practice of following the WPATH model and will no longer be prescribing puberty blockers to children less than 16 years of age. (Karolinska Policy change March 2021)

Finland

Finland revised its guidelines, and now recommends psychological treatment in preference to drugs.

Australia

- Senator Claire Chandler is among the political voices starting to speak up for women rights in a world where women have been overlooked in favour of trans identified males. In a letter to her constituents she stated:

"So today I am letting you know that I am drafting a Bill to protect single-sex sport for women and girls in Australia. I have started a process to amend the Sex Discrimination Act 1984, to ensure that women's single-sex sport will once again be celebrated and encouraged in Australia."

- Also in Australia, a new statement from the Royal Australian and New Zealand College of Psychiatrists (RANZCP) stresses the importance of a mental health evaluation for people with gender dysphoria – in particular for children and adolescents – before any firm decisions are made on whether to prescribe hormonal treatments to transition, or perform surgeries, often referred to as "gender affirming care".⁵⁸

⁵⁶ <https://www.womensliberationfront.org/news/national-poll-support-for-womens-spaces>

⁵⁷ Top Trans Doctors Blow the Whistle on 'Sloppy' Care - by Abigail Shrier - Common Sense with Bari Weiss (substack.com)

⁵⁸ <https://www.ranzcp.org/news-policy/news/position-statement-update-on-gender-dysphoria>

U.K.

- Gender self I.D. legislation was not enacted in the U.K. following representations from concerned citizens about its effects on women's human rights.
- The House of Lords debated the de-merits of placing trans identified males in women's prisons and have called for a law change.
- An attempt to pass legislation on Maternity Care, without mentioning the word "mother" or "women" was stopped by the House of Lords.

Wi Spa Incident

In June 2021, women confronted staff at Wi Spa, a Korean Spa in Los Angeles, and alleged a male who identifies as a woman exposed their penis to women and a girl in the women's section of the spa. One woman posted the interaction with staff on social media. Many media outlets said it was (1) "a hoax," and (2) "misinformation."

However, in September 2021, charges of indecent exposure were filed against a serial sex offender for the incident at Wi Spa following an investigation by Los Angeles Police Department, after four women and a girl came forward to allege Darren Merager was partially erect in the women's section of Wi Spa.

A warrant was issued for the arrest of Merager, based on five felony accounts of indecent exposure in connection with the Wi Spa incident.

Merager is a tier-one registered sex offender with two prior convictions of indecent exposure and is also facing six felony counts of indecent exposure over a separate incident in 2018.

The Spa allows customers the use of facilities based on the person's gender identity.

1. <https://slate.com/human-interest/2021/07/wi-spa-la-transphobic-protest.html>

2. <https://www.theguardian.com/world/2021/jul/28/anti-trans-video-los-angeles-protest-wi-spa>

3. <https://nypost.com/2021/09/02/charges-filed-against-sex-offender-in-wi-spa-casecharges-filed-against-sex-offender-in-notorious-wi-spa-incident/>

Loudoun County School Incident

In October 2021, Parents at Loudoun County school, Virginia, US, demanded the school board remove its superintendent and that all the board resign following claims the school tried to cover up two alleged sexual assaults in two different schools in the district by the same male student.¹

In June, a father of one of the alleged victims, Scott Smith, was arrested at a school board meeting after he, and other attendees, vocally opposed a policy allowing students to use the school toilets based on their own self-declared gender identity rather than their biological sex.² The superintendent had argued that concerns about the policy were misplaced as there had been no record at the school of sexual assaults due to the policy.

However, just weeks earlier in May 2021, Smiths daughter was sexually assaulted by a male “wearing a skirt” in the female toilets at the school. This male was then moved to a different school in the district where he carried out another sexual assault on a girl, this time in an empty classroom.

The male student has been charged with two counts of forcible sodomy for the assault in May and sexual battery and abduction for the assault in October.³

1. <https://nypost.com/2021/10/13/parents-demand-superintendent-be-fired-for-alleged-sex-assault-cover-up/>

2. <https://www.dailywire.com/news/loudoun-county-schools-tried-to-conceal-sexual-assault-against-daughter-in-bathroom-father-says>

3. https://www.washingtonpost.com/local/education/loudoun-virginia-school-assault-apology/2021/10/15/10853e8e-2ddc-11ec-8ef6-3ca8fe943a92_story.html



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