



Shadow Report on “Violence against Intersex Women in Ireland” October 6th, 2022

Submitted to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) by Intersex Ireland

Authors

Intersex Ireland is the only intersex-led organisation in Ireland that advocates for the recognition of the rights of intersex people in the country. The organisation was formed to support and advocate for Ireland’s intersex community in 2019 in response to the exclusion of intersex people and our inputs from the National LGBTI+ Inclusion Strategy. Intersex Ireland is a member of OII Europe.

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1. Introduction

Thank you for allowing us the opportunity to contribute evidence of our concerns relating to systemic threats to the safety and wellbeing of women and girls, including intersex women and girls, in the Republic of Ireland. Historically, the Irish free state has not only failed women and girls, but under the state’s formation, their rights were [drastically rolled back](#) owing to the influence of the Catholic church. Almost 100 years later, the relationship between church and state is still negatively affecting the wellbeing of women and girls in Ireland, compounding failures of the state to them. The present shadow report is produced by Intersex Ireland with the aim of highlighting the current situation of women, including intersex women, in Ireland and proposing concrete recommendations on the issues of prevention, protection and support concerning violence against women, including intersex women.



Main issues

2.1. Housing

Ireland is currently experiencing its worst housing crisis in its history, with only [716 properties](#) available for rent in the entire country as of August, 2022. Rental prices appear to be [rising beyond the reach of most](#) as the number of available properties dwindle and the numbers [queuing to view individual properties](#) grow into the 100s. Intersex women sometimes rely on sex work due to employment discrimination or for reasons related to disability. A recent [Amnesty report](#) indicated that the need for housing was one of the biggest drivers for women entering sex work in the republic of Ireland, especially more [marginalised women](#). [Current legislation](#) criminalizes the act of knowingly renting to a sex worker, or knowingly being the spouse, partner or roommate of one, as that would make them a pimp in the eyes of the law. In 2018, [a married couple were charged with pimping each other](#) because they engaged in sex work together, causing them to face prison, receive fines and lose their home following a raid, referred to as a “welfare check” by Gardaí. The husband, who worked as a nurse, faced [losing his nursing license](#) over charges. In 2019, 2 young foreign nationals, one pregnant, were raided, [arrested and sentenced to 9 months in prison](#) for the crime of working together for safety. It is common for marginalized women engaged in sex work to be [evicted](#) following “welfare checks” by the Gardaí. Some landlords have responded to the housing crisis by offering rent in exchange for sexual services. The state has responded by threatening [persecution of these landlords](#) without addressing the underlying housing crisis.

2.2. Policing and justice

1/5 of vulnerable outdoor sex working participants had been sexually exploited by law enforcement according to the findings of [recent research funded by the Republic of Ireland’s Justice and Equality Department](#). A Garda that returned to rape a sex worker they had previously arrested faced [minimal disciplinary action](#), being cleared by the Garda Ombudsman of wrongdoing while ignoring the power dynamics between sex worker and arresting Garda. A Garda who [leaked stolen footage to social media of a naked woman](#) that was in crisis, leading to her suicide, avoided prosecution by the legal system. These accounts highlight that the roll of law enforcement in the Republic of Ireland appears to have changed little since the time when Gardaí were [returning escaped women and girls to the Magdalene laundries](#) and [marching “fallen” women and girls through the streets in mock bridal processions](#) at the behest of the Catholic Church.

2.3. Law and the Church

As mentioned previously, some intersex people in Ireland are sex workers, sometimes due to obstacles seeking conventional employment such as discrimination, or to supplement other forms of income.



Current sex work laws in Ireland were campaigned for by [NGOs founded and run by Catholic Religious orders](#) responsible for running Magdalene laundries and mother and baby homes where Irish women of all ages were [enslaved](#) and their children [trafficked](#). These NGOs receive [millions in funding](#) while doing little if anything to address the reasons why people enter sex work such as poverty and inequality. Rather, they use this funding in part to [increase stigma](#) which has the effect of contributing to [marginalisation and precarity](#) faced by sex workers.

2.4. Healthcare

Ireland is in the process of creating a new national maternity hospital. It has come to light that the new hospital will be [controlled](#) at least to some extent by a religious order responsible for running some of Ireland's Magdalene laundries and mother and baby homes. Catholic influence over laws relating to reproductive choices and needs has led to well-publicised and [unnecessary deaths](#) in Ireland's past, including its [recent past](#). Sex workers face [barriers to accessing healthcare](#) that are rooted in stigma and fear of law enforcement, while Gardaí use [condoms as evidence](#) of engagement in sex work despite warnings from [Amnesty International](#), [UN AIDS](#) and [others](#). [Transgender healthcare in Ireland](#) is for all intents non-existent, while intersex people can find it almost impossible to locate [knowledgeable healthcare providers](#). Intersex people are often mistaken to be transgender by medical professionals and sometimes refused service without reasonable explanation. There is no information about intersex variations on our national healthcare provider's [website](#) unlike in some [other countries](#).

2.5. Education

In the Republic of Ireland, [Relationship and Sexual Education](#) is still written and dictated by the [Catholic Church](#), although there is [pushback](#) in recent years from some schools. There is no intersex inclusion or awareness built into educational curriculums and based on the experiences of intersex people with medical providers in Ireland, there appears to be little if any intersex inclusion in medical school curriculums.

2.6. Intersex in Ireland

Intersex people in Ireland have no legal recognition and face physical and verbal abuse as well as discrimination. Intersex people and our inputs were excluded from the National LGBTI+ Inclusion Strategy, yet our attempts to engage with the state are dismissed with mention of that same inclusion strategy, and queries regarding Ireland's failure to provide healthcare to intersex people are met with what we consider [science fiction](#) that would give the impression that intersex people are availing of excellent quality healthcare while [healthcare](#), including [mental healthcare](#), for everyone else is at [crisis point](#). It was following the exclusion of intersex people from Ireland's National LGBTI+ Inclusion Strategy that Intersex Ireland was formed.



Recommendations

Intersex Ireland is calling Irish authorities to:

1. Acknowledge the existence of intersex women by the state. For example, currently, the Constitution recognises only Irish men and women.
2. Recognise that intersex bodies are healthy and intersex traits are natural variations that exist within the human biological spectrum.
3. Reform outdated medical protocols that, by presenting natural diversity of sex characteristics (intersex variations) as a “disease”, pathologize intersex people.
4. Abolish the stigmatising medical term "Disorders of Sex Development" and introduce non-medicalised empowering language and terminology on intersex issues, created in consultation with the intersex groups.
5. Provide information about the possible non-invasive methods that could be provided to intersex patients and their parents.
6. Ensure adequate access of intersex women to free public health care throughout their lives and with respect of their needs.
7. Ensure full access of intersex people to their medical records and their medical history.
8. Prohibit medical interventions (i.e., gonadectomy, urethroplasty, vaginoplasty, etc.) if the child or adolescent cannot provide fully informed consent.
9. Update teaching materials to reflect the whole spectrum of gender and instil age-appropriate non-pathological educational information on intersex variations and into educational curriculums, including curriculums for medical students and other healthcare providers.
10. Introduce reporting procedures that allow for immediate and comprehensive reporting for intersex women survivors of violence.
11. Fund and assist intersex led collectives to inform the general public on the existence of intersex women with the aim to change social perceptions and attitudes.
12. Mobilise national human rights institutions and bodies as well as women’s organisations to add intersex issues in their agendas following EU and international developments.
13. Provide support that reflects intersex needs and train support personnel adequately.
14. Inform lawyers and the judiciary about the term ‘sex characteristics’, including bodily characteristics in hate crime legislation in the Republic of Ireland.
15. Encourage the National Gender Service to follow WPATH guidelines in providing care to transgender people in the Republic of Ireland.
16. Address waiting times for transgender healthcare in the Republic of Ireland.
17. End influence by religious orders and institutions on healthcare in the Republic of Ireland.
18. Fund and support community led organizations, including intersex, transgender and sex workers organizations, to provide care and services to their respective communities.



19. Instil awareness training for healthcare providers led by marginalised groups including intersex people, transgender people and sex workers.
20. Encourage the HSE to provide non-pathologized educational information about intersex variations on their website.
21. End influence by religious orders and institutions on sexual and health education in the Republic of Ireland.
22. Address Ireland's housing crisis by capping rents, building social housing and limiting housing available for purchase to investment funds.
23. Scrap brothel keeping laws that criminalise the renting and sharing of accommodations to vulnerable women who rely on sex work for survival in the Republic of Ireland.
24. Install firewalls similar to other jurisdictions, i.e., Northern Ireland, between police conducting welfare checks and police responsible for enforcement of brothel keeping laws, deportations, etc.
25. Decriminalize sex work in the Republic of Ireland.
26. End use of condoms as evidence of engagement in sex work by police in the Republic of Ireland.