



Submission by Genspect

To: Joint Committee on Children and Equality

Re: General Scheme of the Equality (Miscellaneous Provisions) Bill 2024

Date: [Insert Date]

Genspect welcomes the opportunity to contribute to the Joint Committee's scrutiny of the General Scheme of the Equality (Miscellaneous Provisions) Bill 2024.

We are an international organisation of clinicians, researchers, parents and individuals with lived experience of gender-related distress. We advocate for evidence-based care and the careful consideration of policy that affects children, families, and the wider public.

We are submitting this evidence in response to the public consultation, which saw over 400 individuals request that the law recognise gender on a biological basis and provide protections accordingly. These individuals are not currently represented by any formal stakeholder group, yet their concerns are widely shared and merit full consideration.

Summary of Recommendations

We respectfully recommend that the Committee:

1. Ensure the law clearly distinguishes between sex and gender, and protects biological sex in equality legislation;
2. Guarantee the right to hold and express gender-critical beliefs, in line with constitutional protections;
3. Affirm the legality of single-sex services where proportionate and necessary;
4. Avoid vague or ideologically loaded definitions of "gender identity";
5. Take account of the lived experiences of detransitioners, families, and professionals;
6. Align with international legal and clinical developments;
7. Safeguard free speech and inquiry without compelling agreement on contested matters.

1. Recognising Biological Sex in Irish Law

The Gender Recognition Act 2015 introduced legal gender change in Ireland via self-declaration, without requiring medical oversight. However, the Act does not

eliminate the relevance of biological sex, a fundamental and observable category, in contexts such as healthcare, safeguarding, criminal justice, and sport.

The Equal Status Acts, meanwhile, do not define “sex”, creating confusion and uncertainty in policy and service delivery. We recommend that biological sex be explicitly defined in Irish equality legislation, distinct from self-declared gender identity. Doing so would restore legal clarity while respecting the dignity of all individuals.

Existing Protections for Gender Reassignment

Discrimination related to **gender reassignment** is already prohibited under Irish law through the existing **gender** ground, as required by EU directives on sex discrimination.

In *P. v. S. and Cornwall County Council (C-13/94)*, the Court of Justice of the European Union ruled that sex discrimination includes discrimination arising from gender reassignment. This interpretation is binding, and Irish law reflects it.

In *Hannon v First Direct Logistics Ltd.* (DEC-E2011-066), the Equality Tribunal confirmed that discrimination against a transitioning employee was covered under the gender ground.

Any future legislative changes should take account of these protections to avoid duplication or legal confusion.

2. Protecting Belief and Conscience

Article 40 of Bunreacht na hÉireann protects both freedom of expression and freedom of conscience. These protections encompass not only religious views but also ethical and philosophical beliefs, including the belief that sex is binary and immutable.

There is currently no Irish case law on this point, but comparable rulings in the UK (*Forstater v CGD Europe*) and EU suggest that gender-critical views should be protected under equality law.

People who hold such beliefs include teachers, academics, healthcare professionals, parents, and members of the public. Their ability to express and act on these beliefs, without fear of censure, dismissal, or social sanction, must be secured in statute.

3. Safeguarding Single-Sex Spaces and Services

Section 5(2)(g) of the Equal Status Acts permits single-sex services where justified. In practice, however, many providers now fear legal challenge or reputational risk when enforcing sex-based boundaries, even where such boundaries are proportionate and necessary.

Genspect regularly hears from professionals and service users who have encountered confusion, discomfort, or distress as a result. Women have reported male-bodied individuals accessing previously single-sex services, including in hospitals and changing rooms.

We recommend that the revised Bill make clear that single-sex spaces, particularly those related to health, safety, or dignity, remain lawful and appropriate where objectively justified. Respecting these boundaries is not discrimination; it is a matter of safeguarding.

4. Ensuring Legal Clarity in Definitions

The term “gender identity” is widely used in policy yet lacks a settled legal definition. It is frequently interpreted to mean different things and is often defined in circular or subjective terms (e.g. “a deeply held sense of one’s gender”).

Laws that rely on unclear or contested terminology risk being unworkable or legally vulnerable. For the sake of legal certainty and fairness, we recommend that the Bill avoid introducing poorly defined concepts and instead rely on terms that are observable, testable, and consistent with existing legal categories.

5. Lived Experience and Public Impact

Genspect works with families, detransitioners, and clinicians across Ireland and internationally. Many have been affected - directly or indirectly - by policies that prioritise identity affirmation over evidence-based care or safeguarding.

Some of the issues reported to us include:

- Parents discovering their children had socially transitioned in school without their knowledge or consent;
- Teachers and school staff are unable to raise safeguarding concerns;
- Young people who underwent irreversible medical procedures and now regret their decision often without adequate psychological support.

These are not isolated cases. They reflect a broader failure to balance rights and responsibilities in this area. Law and policy must be informed not only by ideology or advocacy but by the lived consequences of those decisions.

6. International Legal and Clinical Developments

Ireland is not alone in grappling with these challenges. International developments offer important context:

- In **April 2025**, the UK Supreme Court ruled unanimously that “woman” and “man” in the Equality Act 2010 refer to **biological sex**, even for individuals with a Gender Recognition Certificate (*For Women Scotland Ltd v Scottish Ministers*). This confirms that sex-based protections remain in force and that legal recognition of gender identity does not override them.
- The **Cass Review** in England led to the closure of the Tavistock gender identity service in March 2024. It recommended more cautious, evidence-based care and a move away from affirmation-led approaches. Puberty blockers for minors are now restricted to clinical trials only.
- Countries including **Sweden, Finland, Norway, and France** have also moved to limit the medicalisation of gender-distressed youth in favour of psychological support and evidence-based care.

Ireland should not ignore this growing body of international evidence and legal precedent. We have an opportunity to learn from others and adopt a balanced, rights-based approach.

7. Protecting Free Expression and Open Debate

In recent years, professionals across education, healthcare, academia, and the media have reported being disciplined, investigated, or informally censored for expressing views on sex, gender, and safeguarding. Some have lost jobs or funding. Others have self-censored for fear of reprisal.

Equality law should protect against discrimination, not be used to silence disagreement or enforce belief. We urge the Committee to ensure that freedom of expression, conscience, and belief are explicitly protected, and that disagreement with gender identity ideology is not treated as hate or bigotry by default.

In a democracy, citizens must be free to think and speak about contentious issues, especially where they concern the welfare of children, women’s rights, or the limits of medical intervention.

Conclusion

The Equality (Miscellaneous Provisions) Bill 2024 is an opportunity to restore clarity, coherence, and fairness to Irish equality law. In doing so, it must ensure that all groups, including women, parents, detransitioners, clinicians, and those who hold gender-critical views, are properly protected.

We respectfully recommend that the Bill:

- Define biological sex in law;
- Uphold belief and conscience protections;
- Reaffirm the legality of single-sex spaces;
- Avoid vague definitions;
- Ground policy in real-world experience;
- Align with emerging international standards;
- Defend freedom of thought, speech, and inquiry.

Genspect would welcome the opportunity to provide further evidence or participate in Committee hearings on this matter.

Submitted by:

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On behalf of Genspect

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