



RCNI Submission on the 2027 Census of the Population

20th January 2023

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

RCNI welcome the opportunity to consult on the Census 2027. We generate and analyze evidence on sexual violence with the Census providing a critical reference point for how we understand sexual violence in our society, its scale and the impacts of intersectional characteristics. We confine our submission to a few categories already captured in the Census or proposed. If we can be of any further assistance to you, we are at your disposal.

Question 2 - What is your sex?

RCNI does not propose any change to Question 2 but given contestation around issues of sex, gender and sexuality we would like to state that this question should remain exactly as is. Defined as sex which is recorded at birth, based on objective physical characteristics, and noted on a birth certificate. Sex at birth cannot be subsequently revised. Legal gender recognition rights are not retrospective, additions can be made but birth certificates cannot be changed. This question should ask about sex recorded at birth.

The characteristic of sex is the single most significant variable impacting patterns of perpetration and targeting of people for sexual violence and indeed many other discriminations and harms. Any obfuscating of this category would in effect conceal this evidence and along with it our understanding of important dynamics of gender inequality, abuse and violence. The question as it stands is clear and compliant with national and international obligations and aligns with the spirit of government policy and cultural sensibilities about combating sexual violence and other forms of gender inequality.

The only possible variation on this question that might be considered is to account for the tiny number of people whose sex at birth was recorded as 'indeterminate' though subsequently this will have been determined by further medical tests such as an analysis of chromosomes, internal reproductive organs, hormones and other biological characteristics. However, given this number will be vanishingly small, (estimates vary from 0.02 to 0.05% of the population who have the range of medical conditions which may cause uncertainty in determining sex from observation of physical characteristics and only a tiny proportion of those people with those medical conditions will be impacted such that indetermination arises), adding this category may serve to add confusion and contribute almost nothing to clarity. Indeed, were it measured accurately the numbers may be so small as to be statistically unusable.

The inclusion of a new question on gender identity:

RCNI note the discourse over the past number of years within CAG and elsewhere and we would support a new question on gender identity being introduced separately from Question 2 on sex. Cross referencing gender identity with sex will allow us to clearly identify those who are trans, non-binary or other, making visible this category of persons as well as supporting our greater understanding of how discrimination works across sex and gender identity.

One of the challenges for meeting the needs of the trans and non-binary population is that data is hard to come by given the population size and vulnerability. For RCNI, various evidence

indicates that gender non-conforming people, who frequently correlate with trans and non-binary identifying people, are at high risk of victimization. Data on trans people's vulnerability is however, rare and where it exists, is often methodologically weak or flawed. For example, the latest LGBT+ survey of scale is from the US by the Trevor Project (December 2022), this survey conflated the categories of sex and gender in the demographic questionⁱ. 48% of respondents identified themselves as trans and nonbinary rather than male or female. Similarly in one of the latest Irish surveys, *BelongTo's* school climate survey 2022, 37% identified as trans or nonbinary.ⁱⁱ It does not seem possible from the surveys to determine the sex of those respondents yet we have very solid evidence that sex will determine significant levels of vulnerability and perpetration of sexual violence. Statements, conclusions or policy decisions arising from the findings therefore cannot speak to the influence of sex for this significant (and growing) category of people. This obscures the most important factor in sexual violence and possibly in a range of other discriminations and harms. Obscuring the characteristic of sex would be regressive and risks causing harm. A national census is an opportunity to capture reliable data and the inclusion of a gender identity question, in addition to one on sex, is justified for these reasons.

It should also be noted that what constitutes gender identity is contested with some arguing it is an objective and universal characteristic and others that it is socially constructed and subjective. In light of these considerations any question on gender identity must allow for a person's self-identity rather than prescribe too narrowly. Therefore, along with the range of genders we would recommend a choice that reflects the later position also, that gender is a social construct, by giving a choice of answers reflecting the following: - I do not wish to answer this question/ I do not identify with a gender or /this question does not apply to me.

In addition, we note that the Census format, whereby the head of household fills out the form for all members of the household, may present challenges to this question in particular. This is something that should be carefully considered when formulating this self-identity question and the reliability of the results.

The inclusion of a question on Sexuality

RCNI would be interested in seeing a question on sexuality included in the census as again this is a variable of interest to us with regards sexual violence targeting and vulnerability. We are conscious that some of these categories are fluid and may change over a person's lifetime. This may present a challenge in setting questions and recording data but we believe it is a question worth considering given its importance as a factor in a person's experience and treatment in society. Again the impact of the fact that the form is being filled by the head of household needs to be considered.

The inclusion of a question on being care dependent

Disability is a considerable risk factor for being targeted and vulnerable to sexual violence. While the Census currently gives us an indication of a person's disability and elsewhere records the care giving activity of a person, it does not record a person's level of dependence on care. We believe it would be helpful for a range of reasons to understand a person's dependence, and therefore vulnerability, in this respect.

Useful resources:

RCNI led an interagency group of experts and practitioners in co-creating shared definitions on children subject to sexual violence. The report, ***'Breaking the Silence: Terminology Guidelines for Data Collection on Sexual Violence against Children'***,ⁱⁱⁱ details agreed definitions and terminology alongside national and international law and obligations. The full report includes in-depth considerations around the terms sex, gender and other related variables. We hope this will be of use to you and refer you there for the full list of relevant legal obligations, definitions and considerations with regards these definitions and obligations..

<https://www.rcni.ie/breaking-the-silence-preventing-sexual-violence-against-children-shared-purpose-shared-language/>

GREVIO 2021, Horizontal review Study s.108 [1680a26325 \(coe.int\)](#)

Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (the 'Istanbul Convention'), CETS No. 210, adopted in Istanbul, 11 May 2014, Art.3 [CETS 210 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(coe.int\)](#)

Council of Europe (2019) [2019-HandbookIstanbulConvention-EN.pdf \(coe.int\)](#)

WHO & UNICEF 2017 'Gender, equity and human rights: Glossary of terms and tools';
Council of Europe Gender Equality Glossary [Gender Equality Glossary, Council of Europe 2016.](#)

UN General Assembly (2021) Human Rights Council, 47th Session ‘The Law of Inclusion’, A/HRC/47/27, s13
[A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](#)

Council of Europe (May 2021) ‘Strengthening Data System on Violence Against Women’ Iris Luarasi, First Vice-President of GREVIO
[Digital dimension on VAW \(europa.eu\)](#)

GREVIO (2021) Mid-term Horizontal Review Study s.101-108, 112 [1680a26325 \(coe.int\)](#)

GREVIO (2021) Mid-term Horizontal Review Study s.544 [1680a26325 \(coe.int\)](#)

GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe [1680a49147 \(coe.int\)](#)

The United Nations Entity for Gender Equity and the Empowerment of Women (UN Women) ‘Important concepts underlying gender mainstreaming’ Concepts and definitions website
<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> and Definition of the Glossary of the UN Women training Centre. [Gender Equality Glossary \(unwomen.org\)](#) and [Gender Equality Glossary \(coe.int\)](#)

Committee on the Rights of Persons with Disabilities, General Comment No. 5 (2017), para. 23. Cited in
[A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](#)

Committee against Torture, ‘General Comment No. 2’ (2007), para. 21. Cited in <https://undocs.org/A/HRC/47/27>

European Commission, ‘100 words for equality - A glossary of terms on equality between women and men’ (1998)

Eurostat ‘Description of variables for EU survey on Gender-Based violence against women and other forms of interpersonal Violence’, 2021 ed. Sept, p34

The United Nations Entity for Gender Equity and the Empowerment of Women (UN Women) ‘Important concepts underlying gender mainstreaming’ Concepts and definitions website
<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

“having analysed a State’s failure to allow change of sex on official documents, the Human Rights Committee concluded that it was a form of discrimination because “the Government is failing to afford the author, and similarly situated individuals, equal protection under the law” CCPR/C/119/D/2172/2012, para. 7.14 cited in [A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](#)

Irish Statute Book, Gender Recognition Act 2015 (25/2015)

Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (the ‘Istanbul Convention’), CETS No. 210, adopted in Istanbul, 11 May 2014, Art 11 [CETS 210 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(coe.int\)](#)

Council of Europe (2011) ‘Explanatory Report to the Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence*’, s.66 <https://rm.coe.int/16800d383a>

Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (the ‘Lanzarote Convention’), (CETS No. 201) adopted in Lanzarote, 25 October 2007, p.2b <https://www.coe.int/en/web/children/lanzarote-convention>

Inter-Agency and Expert Group on Gender Statistics (IAEG-GS) *Recommendation on ‘Sex’* 2015

EIGE Gender Mainstreaming tool online [Sex-disaggregated data | European Institute for Gender Equality \(europa.eu\)](#)

RCNI January 2023

Director@rcni.ie

www.rcni.ie

ⁱ <https://www.thetrevorproject.org/survey-2022/#methodology>

ⁱⁱ <https://www.belongto.org/professionals/research/>

ⁱⁱⁱ <https://www.rcni.ie/breaking-the-silence-preventing-sexual-violence-against-children-shared-purpose-shared-language/>