



CONSORTIUM
for stronger lgbt+ communities

Writing to the EHRC re the Equality Act and the advice given to the Minister for Equalities: LGBT+ Sector Briefing

Context

This concerns recent correspondence between the EHRC, through Baroness Faulkner, Chair of the EHRC, and Kemi Badenoch, Minister for Equalities in Westminster. [The letter](#) sought to give requested advice on amending the definition of “sex” in the Equality Act 2010.

This advice, which if implemented would remove vital human rights protections from trans people, is further unprecedented activity by a national human rights body.

We know that people within the EHRC, for example the [Wales](#) and [Scotland](#) Committees, raised significant concerns about the advice before it was given, and we need to add additional pressure on the EHRC to understand they are at odds with what a human rights body should be pushing for.

What we are asking of LGBT+ organisations, and ally organisations

Consortium is encouraging LGBT+ organisations to raise their concerns via letter to the EHRC. It is vital that the EHRC understands that our communities and our allies are outraged by this direction of travel and will continue to challenge and defend the rights of trans people and communities.

We highly recommend you keep letters relatively short, concise, and don't try to enter into complex arguments challenging this advice. By keeping them focussed and top-level, they will clearly highlight the nonsensical and degrading aim of the advice given.

We also recommend that organisations get their letters in as soon as possible.

Why aren't you providing a template letter?

We want to see a consistency of message going into the EHRC, but we don't want to see the exact same letter used over and over. It is far more powerful if organisations up and down the country put forward their own points and questions. This way the EHRC will need to think more carefully about the responses to the letters and have a greater understanding of feeling from different parts of the LGBT+ sector, and beyond.

How can we frame our letter?

We encourage a consistency of message in the letters. Therefore, we are recommending organisations frame their letters around three key areas (thanks to Stonewall for allowing use of these, as per their own briefings). We have given some pointers below:

- The advice is **UNWORKABLE**
 - By changing the definition of “sex” to “biological sex” it would create an inhumane and degrading system where trans people (in particular the focus here is trans women) might be required to provide proof of their sex characteristics.
 - It could also be the case this would overturn some of the practicalities of the Gender Recognition Act and defeat some of the purposes of having a GRC.
 - There is no workable way of enacting this change in practice, without it restricting trans peoples’ ability to live freely and impose potentially invasive processes.
- The advice is **UNNECESSARY**
 - Existing definitions and legislation have been successful in providing a fair and proportionate balance of rights between people.
 - Single-sex services have used existing legislation to provide services to vulnerable people in safe and effective ways.
 - The language used in the Equality Act has been used effectively for over a decade and is a good, working piece of legislation.
 - Therefore, a change is not needed and would not achieve what the policy aims to do.
- The advice is **UNFAIR**
 - Human rights bodies should promote and advocate for change that is proportionate or reasonable. This advice does entirely the opposite.
 - Trans people make up just 0.5% of the population (England and Wales Census data, 2021), with trans women making up just 0.1% of the population, yet advice to restrict trans people (particularly focussed on trans women) would be dis-proportionate and extremely unreasonable.
 - This outcome of this advice would be to create a system which seeks to exclude and discriminate against a particular group of people (the aim here mainly trans women). This goes entirely against the purpose and remit of a human rights approach, which the EHRC is duty bound to follow.

Where should we send our letters?

You can write into the EHRC at the following address:

Correspondence Unit
 Equality and Human Rights Commission
 Arndale House
 The Arndale Centre
 Manchester
 M4 3AQ

You can also email in your letter to complaints@equalityhumanrights.com

Can we get any support with this?

If you would like to talk through any aspects of this please contact Consortium via admin@consortium.lgbt and we will endeavour to help.

You can also check out member responses to the EHRC’s communication [here](#).