



Dear Minister

I am writing with grave concerns about recent news around the so-called Equality and Human Rights Commission.

You and I have talked about the complete lack of trust the trans communities have in the Commission, and how that is starting to affect how trans communities view the government.

I note the interventions of Sarah Owen MP and Lord Alton of Liverpool as chairs of the parliamentary committees who undertook the scrutiny of Dr Mary-Ann Stephenson's proposed appointment as Chair of the Commission. It is therefore remarkable that government has chosen to ignore those interventions and the many concerns expressed by trans people, and announced her appointment yesterday. It is politically questionable to appoint someone who is so clearly viewed as being on one side of a culture war, while ignoring Parliament's concerns on her abilities in other areas. This action further diminishes the standing of government in the eyes of trans people.

It is important that the Commission urgently reverts back to the position of protecting and defending human rights for all, and does not persist with the flawed narrative that there is a conflict between the rights of trans and gender non-conforming people and the rights of women.

Equality should never pander to discrimination, but that is what we have seen this Commission doing for a number of years – saying that a group of people should not have rights because another group may be afraid of them or simply doesn't want them around. If this narrative is allowed to remain then it will infect other areas, such as work to challenge racism and misogyny. We are already seeing mainstream newspapers reframe the narrative about what it means to be British – namely requiring fully British

parents and being born in the UK, which clearly affects HM The King, former Prime Minister Boris Johnson, and millions of other people.

Therefore I would ask what urgent actions are government and the Commission proposing to rebuild trust amongst trans communities.

Secondly is yesterday's news from Good Law Project, that the Commission are proposing to weed out responses to their "consultation" exercise using AI, leaving a subset of "valid" responses that they will deem to analyse.

TransActual has already expressed significant concern over the way the Commission has conducted this exercise. By admitting in court that they will not consider all submissions the Commission has further delegitimized this exercise.

Therefore I would ask that the Commission is required to read (as opposed to automate the processing of) each submission and are robustly challenged before publication about how any proposals they make regarding their Code of Practice affect people's existing human rights, including Articles 3 (prohibition of torture and degrading treatment), 8 (right to respect for privacy and family life), 10 (freedom of expression) and 11 (freedom of assembly and association). You have indicated that the Commission's proposals will be judged against a Public Sector Equality Duty framework. I would ask that the framework and the outcomes of that analysis are published in full.

It is TransActual's understanding that forced segregation such as proposed by the Commission's "interim update" fundamentally breaches Article 8 rights not only for trans people but for any person who is deemed to be gender non-conforming.

We note that the European Court of Human Rights has been consistently robust in upholding trans people's Article 8 rights, and there is no indication that the Court nor the Council of Europe are changing that view. We further note that the European Commissioner on Human Rights has recently expressed concern over the trans-exclusive narrative that has taken hold across the UK.

We have discussed the mechanism by which the Code of Practice will go through Parliament. I would ask that there is an explicit vote after a meaningful debate on the proposed Code which should be a free vote, not whipped by the Government.

I would appreciate this being treated with urgency. As ever, I remain ready to talk with you about the issues raised in this letter, as well as other issues we have discussed in the past.

Yours sincerely

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