

Gendered Intelligence

John Kirkpatrick, Chief Executive
Equality and Human Rights Commission

Your ref: 20250610Stewart

Dear John Kirkpatrick,

I am writing to formally decline your invitation to attend the Q&A session scheduled for 16th June 2025 regarding the proposed updates to the statutory Code of Practice.

In light of the EHRC's recent direction and its interim update following the Supreme Court judgment in *For Women Scotland v The Scottish Ministers*, we believe that the Commission is failing in its duties to uphold the rights and dignity of trans people. The proposed updates to the Code of Practice are, in our view, legally and ethically unsound, and the consultation process does not inspire confidence that the EHRC is engaging in good faith with the communities most affected.

We do not view this meeting as meaningful stakeholder engagement. It is a controlled, performative session that offers no opportunity for real influence, with the EHRC explicitly stating that views expressed during it will not be considered as part of the formal consultation process. It is only being held because the Women and Equalities Committee has required it, and it has been called at very short notice. That is not a genuine attempt at dialogue — it is damage control.

Three years ago, we made the decision to step away from all engagement with the EHRC. That decision was not taken lightly. It was rooted in our growing alarm at the Commission's actions and positions, which have consistently undermined the rights, dignity, and safety of trans people. Nothing since that time has reassured us that the EHRC is acting in good faith. On the contrary, matters have deteriorated further.

We have not engaged with the EHRC for years because we no longer have trust in the institution. You have consistently aligned with positions that are not only damaging to trans people but are actively hostile. The EHRC has:

- Intervened in strategic litigation in ways that support and legitimise so-called 'gender critical' beliefs / associated manifestations of those beliefs which have fuelled a social climate of hostility toward trans people;
- Actively advising the UK and Scottish Governments against legislative reforms intended to advance trans people's rights — including gender recognition

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reform and the banning of conversion practices, as well as advising government about ways to increase exclusions of trans people, especially trans women;

- Consistently failed to use your influence, legal powers, and resources to advance trans equality, despite an escalating crisis of hate crime, healthcare inequality, and legal uncertainty affecting our communities.

Your actions do not reflect an institution that promotes or protects the human rights of trans and non-binary people. Instead, they paint a picture of an organisation whose governance is compromised and whose leadership is ideologically aligned against the very people it is mandated to defend.

We will not legitimise this flawed consultation process by attending your meeting. Our role as an organisation committed to justice for trans people requires us to stand firm in the face of what we view as systemic failure.

Despite this, we will respond to the consultation itself and encourage others to do so. We certainly do not wish to legitimise any potential suggestion from the EHRC that silence from trans people and their allies represents acquiescence.

The UK is increasingly slipping as regards LGBTQ+ rights on the international stage, and the EHRC's role in this has not gone unnoticed, by the UN and others. The UK dropped six places this year to 22nd out of 49 countries in the 2025 Rainbow Europe Index, marking its lowest ranking ever, whilst other countries continue to move trans rights forward. Until the EHRC actively commits to halt this decline, we will not engage.

Gendered Intelligence, along with other trans led organisations across the UK, will continue to represent the views of our communities through our own channels, and directly to Parliament, the UN, and other bodies who are committed to upholding human rights.

Yours Sincerely



Dr Jay Stewart

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