

The EHRC Draft Code

The EHRC's draft Code of Practice for services, public functions and associations proposes mandating the exclusion of trans people from many aspects of public life. If implemented as currently drafted, the impact would be devastating.

The consultation on the draft code is now closed, and unless the government chooses to do otherwise, the first time MPs and the general public see the new Code of Practice will be when it already has ministerial approval and is laid before Parliament under a negative procedure. No scrutiny, no debate, no accountability.

Speak with us
about the issues
that directly affect
our lives.

One of the hundreds of
post-it notes left for MPs
at June's record-breaking
mass lobby

The Everyday Impact

Under these proposed **sweeping and regressive** changes;

- The Equality Act would function as a mandatory transgender **bathroom ban**, stopping trans people from using spaces they have used for decades. It would **endanger anybody who doesn't fit gender stereotypes** on a daily basis.
- Valued trans members of associations from men's wellbeing groups to women's gardening clubs could be **forcibly excluded - no matter how much the association wants them to stay**.
- Anyone thought to be trans could be forcibly excluded from gendered service provisions ranging from pubs to the NHS, where patients could be **stuck in A&E corridors** as doctors try to navigate a transgender ward ban.

We are no threat to anyone, we just want to live our lives and do our jobs in peace. ... This is massively going to upend my life and the lives of my patients. ... My message to the government is: please think again."

Alice, a transgender doctor, speaking to C4 News at Trans+ Solidarity Alliance's mass lobby

The Organisational Impact

Businesses and organisations face a **lack of clarity** and **huge compliance costs**;

- This approach would require **expensive and disruptive facilities changes** for many organisations and force staff to become 'gender police' at work.
- Regardless of what choices they make, this guidance opens organisations up to a **high risk of complaints and legal challenges**.
- Some associations, services and events would be **forced to close** rather than exclude trans people, or face huge legal costs to fight to stay inclusive.

If there are legal changes following the ruling it will affect [our festival] massively, it will make me think about stopping ... then attendees lose another space they value."

Polly, organiser of Out & Wild, a large festival for queer women in Devon, at the mass lobby

The Human Rights Issues

This approach is **likely to breach international human rights law**;

- Such a code would make the UK an **outlier on LGBTQIA+ rights**, placing us squarely outside of international norms.
- **Legal gender recognition would lie in tatters**, with trans people's identities forcibly disregarded in so many areas of day to day life.
- This sets the UK on a **collision course with Strasbourg** on human rights. These proposed changes force trans people back into an 'intermediate zone', **already ruled unlawful** by the European Court of Human Rights in 2002.
- If an ECtHR judgment goes against the UK, it would be for Parliament to fix in the shadow of a **high-profile legal defeat** and after **untold harm** has been done to the trans community.

There are many problems with this draft code of practice. It goes way beyond anything that the Supreme Court decided in the FWS judgment. This is the result of a cynical attempt to undermine the will of Parliament and remove trans people's rights."

Grey Collier, former EHRC legal director, speaking to media about June's mass lobby

What Now?

This is an emergency, the time to act is now. The EHRC shows no signs of changing course. The first that MPs and the public see of the EHRC's final code may only be after it has received government sign-off, and is laid before Parliament under a negative procedure. MPs would then be fighting against the clock to ensure proper debate.

This is not the way the UK should make decisions about the fundamental human rights of its citizens.

Please:

- **Write to Bridget Phillipson and Keir Starmer**, telling them this draft code is unfair, dangerous and unworkable.
- Call for publication when the EHRC delivers its final draft code to the government - **this is not a deal to be done behind closed doors.**
- Stand for Parliamentary sovereignty, and demand the draft Code of Practice is brought forward for **proper scrutiny, debate and a democratic vote.**

Segregating and excluding trans people DOES NOT MAKE ME SAFER!
I'm a cis woman, and more afraid than I've ever been in the UK.
Leave my trans sibs alone.

Our trans legal and policy experts would be happy to meet with you to discuss this further, and to support you to hear from other trans experts and organisations. We also encourage you to keep engaging with your trans constituents, to understand their concerns and fears for the future of their everyday lives.

We're just trying to live our lives, we are not a threat - we are just trying to live in society. ... We've been making plans to leave the country, and we're scared it's going to get worse."

Two trans attendees speaking to ITV News at June's mass lobby