



**Statement on the UK's Equality and Human Rights Commission:
Violation of the Paris Principles and erosion of protections for transgender
and intersex people**

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The Lemkin Institute for Genocide Prevention & Human Security calls on the Global Alliance of National Human Rights Institutions (GANHRI) to withdraw accreditation from the Equality and Human Rights Commission (EHRC) in Great Britain due to violations of the Paris Principles and the erosion of protections for transgender and intersex people. The EHRC is Britain's independent equality and human rights regulator. It currently has an "A status" accreditation as a National Human Rights Institution (NHRI), bestowed by GANHRI, which is co-funded by the United Nations and European Union. To maintain accreditation as an NHRI, an organisation needs to follow the Paris Principles. The Lemkin Institute believes that the EHRC has violated the Paris Principles, particularly in actions targeting the rights and protections for transgender and intersex people. The most recent example of such actions is the appointment of Dr. Mary-Ann Stephenson as the new EHRC Chair, contrary to the advice of the two committees involved in the appointment: the Women and Equalities and Joint Human Rights Committees.

While the EHRC is supposed to be a neutral and non-partisan public body, in the past few years it has behaved as a lobby group for erasing the rights of intersex and trans people on the basis of gender critical views. This has been explicitly confirmed by the leader of the UK's Official Opposition, Kemi Badenoch, who posted on X (formerly Twitter): "having gender-critical men and women in the UK government, holding the positions that mattered most in Equalities and Health [...] It was when the ministers changed that everything changed." One example of this takeover Badenoch shamelessly boasted about is the appointment of Baroness Falkner of Margravine under the Conservative Government headed by Liz Truss. Falkner has, in the course of her term of five years, never attended a minuted meeting with a transgender person in attendance.

In 2022, the EHRC wrote to the Scottish Government recommending a delay to the reform of the Gender Recognition Act—a reversal from its prior support for such reforms. This dramatic shift was not precipitated by the appearance of any new substantive evidence. It was quite partisan in nature. That same year, the EHRC issued a statement calling for a “more careful approach” to conversion therapy legislation that would specifically exclude transgender people from protections. Such an approach contradicted overwhelming evidence from both the British Medical Association and the Royal College of Psychiatrists and signalled a departure from Evidence Based Policy Making. Additionally, the EHRC published interim guidance encouraging single-sex service providers to exclude transgender people, significantly misrepresenting the legal thresholds of such exclusion as a ‘proportionate means of achieving a legitimate aim.’ It also intervened in the case *For Women Scotland v. Scottish Ministers*, arguing for a definition of sex that would exclude transgender people from their acquired legal sex as represented by their Gender Recognition Certificate. Rather than presenting a legal position, this argument is clearly based on an ideological stance on transgender people, which goes against the EHRC’s statutory obligation to equally protect all citizens. These actions did not go unnoticed; GANHRI’s reports on the EHRC acknowledged concerns by the civil society groups in the UK around human rights issues facing LGBTI people and migrants and asylum seekers in particular, recommending the EHRC address these issues in an ‘independent, effective, public and transparent manner.’

In 2023, Baroness Falkner faced an investigation into her conduct due to multiple allegations of bullying, harassment, and discrimination from staff at the EHRC, but this was dropped when Minister Kemi Badenoch ordered a procedural review of the investigation. The BBC framed this closure as the end to a “witch-hunt” against Baroness Falkner due to her views on sex and gender. However, the 2023 GANHRI report displayed a drastically different take, ordering a special review into the EHRC’s ongoing compliance with the Paris Principles, particularly noting allegations that the EHRC did not demonstrate independence from the government relating to the LGBTQI+ issues and noting publicly available sources showed the EHRC had significantly changed its position regarding the rights of Transgender people. Advocacy organisations welcomed this investigation.

In 2024, GANHRI decided to maintain an A grade accreditation for the EHRC, but twice noted that the EHRC was encouraged to incorporate the 2023 recommendations and engage with civil society organisations, particularly those working on transgender rights, in a ‘meaningful and constructive manner.’ However, since then, following the April 2025 UK Supreme Court Ruling that “sex” under the Equality Act 2010 refers to “biological sex,” the EHRC erased decades of established practice protecting transgender and intersex people by taking the most restrictive interpretation of the ruling possible, refusing to consider the welfare of intersex or transgender people. This interim guidance has been noted by the Good Law Project to be either

wrong in law or a breach of human rights. Translucent, a UK-based transgender advocacy organisation, has also begun legal action against the EHRC in light of this interim guidance.

This interim guidance has been challenged, but it has already caused irreversible damage. It has led to many organisations changing policies to exclude all transgender people from the gendered spaces of their lived gender and, in some cases, from the spaces of their sex assigned at birth as well. The guidance dictates that anyone who is not binarily “male” or “female” is excluded from single sex spaces, ranging from public toilets to groups such as a single-gender choir. Again, intersex people are left ignored; for example, it is not clear how guidance would apply to an intersex woman who was recorded initially as male at birth and had her birth certificate amended to female. When asked if intersex people had been considered in this guidance, Baroness Falkner responded that intersex people had not been considered as they are not included in the Equality Act (2010). Meanwhile, EHRC Commissioner Akua Reindorf KC stated in a personal capacity that trans people have been lied to about what rights they had and that there needed to be a period of correction, as other people also have rights. This goes against the EHRC’s own 2022 guidance that stated in Sch. 2, Paragraph 28: “If a service provider provides single or separate sex services for women and men, or provides services differently to women and men, they should treat transsexual people according to the gender in which they present.”

Though the harm this guidance has caused the transgender and intersex community in the United Kingdom cannot be understated, the EHRC’s ‘consultation’ on the guidance provided no opportunity to give feedback on this harm. The original consultation was scheduled for two weeks and, upon challenge, was extended to six weeks. However, it remained significantly shorter than the usual timeframe of 12 weeks and was structured to allow feedback only on the clarity of the guidance, not on its content. The Good Law Project discovered that the EHRC is using AI to screen a substantial number of responses that support the transgender and intersex community in the revision of the guidance, despite their own guidance to organisations noting the risks of AI being subject to bias that can deepen discrimination and inequalities.

The appointment of Dr. Mary-Ann Stephenson as the next EHRC chair further solidifies the case that the EHRC is systematically targeting transgender and intersex people in conjunction with the government. Dr. Stephenson has a documented history of anti-transgender views. Her appointment was rejected by both the Women and Equalities Committee and the Joint Human Rights Committee. This has led to advocacy organisations such as the Trans Advocacy and Complaints Collective, Trans Exile Network, Amelia’s Angels, Feminist Gender Equality Network, and Equality Amplified publicly declaring they do not recognise the EHRC as a human rights institution and will no longer co-operate with the EHRC, urging GANHRI to reconsider the EHRC’s accreditation. Disability advocacy organisation Manchester Disabled People Against

Cuts have endorsed this criticism, calling on the government to replace the EHRC and noting additional problems of the EHRC's actions towards ethnic minorities and disabled people.

The Lemkin Institute amplifies the voices of these organisations and calls on the GANHRI to urgently review the status of the EHRC as a human rights body, noting that GANHRI's instruction of engagement with transgender groups to remain compliant with the Paris Principles has not only been explicitly disregarded but actively worked against, with the EHRC prioritising anti-transgender activist groups time and again, and more recently refusing Freedom of Information requests from individuals and groups concerned with transgender intersex rights.

We reiterate the words of our recent Red Flag Alert: there is a transparent attempt to eradicate transgender and intersex people from British life. This is a clear example of the 9th Pattern of Genocide: Denial and/or Prevention of Identity. The EHRC has undergone an institutional takeover and has been captured by transphobic and interphobic people and agendas. As of the 5th of September the finalised EHRC guidance has been given to the Government, there is no guarantee the guidance will be given time for debate in parliament before going into effect. If this is the case, the EHRC will have succeeded in undemocratically stripping transgender and intersex people in the United Kingdom of fundamental human rights and dignity.

The continued accreditation of EHRC as a human rights body, despite being a key player in this attempt of identity erasure, is a disgrace. GANHRI is allowing the EHRC to claim they are fully compliant with the Paris Principles whilst the voice of transgender and intersex people in Britain as well as other minority groups are left ignored. If GANHRI does not take action against the EHRC, it risks its credibility on the international stage and will be complicit in the genocide towards transgender and intersex people. The Lemkin Institute for Genocide Prevention & Human Security reaffirms a commitment to the rights of transgender and intersex people, as well as anyone else who falls outside of the sex and gender binary in the United Kingdom.