

Katharina Rose and SCA
Geneva Representative
Global Alliance of National Human Rights Institutions (GANHRI)
UNOG CH-1211
Geneva 10
Switzerland

22nd January 2024

Dear Ms Rose and Sub-Committee on Accreditation members

We are writing to GANHRI, to the Office of the High Commissioner for Human Rights, to the Special Rapporteur on violence against women and girls and to the Special Rapporteur on freedom of religion or belief in order to raise our profound concern that GANHRI's "special review" process has been misdirected by complainants as a means of imposing pressure on Britain's national human-rights institution, the Equality and Human Rights Commission, and its chair, Baroness Kishwer Falkner.

We wrote to you about this in May 2023 following the series of partisan complaints by Stonewall and allied organisations.¹ We were dismayed to learn that in October 2023 GANHRI put the EHRC into special review.

We submit that the complaints against the EHRC form a pattern of reprisal, harassment and intimidation. We are attaching [a briefing](#) on the situation in the UK faced by those expressing "gender critical" beliefs, and the role played by transactivist organisations, led by Stonewall, in seeking to delegitimise our voices and deny our human rights.

Until recently the EHRC, like most public bodies in the UK including central government departments, the armed forces, police, universities and major employers, was a loyal member of the Stonewall Diversity Champions scheme.

Shortly after Baroness Falkner became chair of the EHRC, she led it to leave the scheme and to intervene in the case of *Forstater v CGD* concerning protection against discrimination and harassment for those expressing the "gender critical" belief that sex is binary, immutable and important. Stonewall and its allies called this a "kick in the teeth". Since then, whenever the EHRC has engaged in a balanced way on issues that concern conflicts between the rights of women and of transgender males, Stonewall has complained to GANHRI.

Its complaints have in particular targeted Baroness Falkner who, for example, it says made "public statements in a national newspaper that it is 'entirely reasonable' to challenge the status of trans women".²

¹ Sex Matters and others (2023) [Letter to GANHRI](#).

² Stonewall (2022) [Submission to GANHRI re: Equality and Human Rights Commission accreditation](#).

Sex Matters is a human-rights organisation campaigning for clarity about sex in law, policy and language | sex-matters.org | info@sex-matters.org

It is in fact entirely reasonable to challenge the idea that any men can become women, and what is more, as the Forstater case demonstrated, the Equality Act protects our right to do so, and not to be harassed for it. Subsequent legal cases have demonstrated that an organisation or regulator conducting disciplinary procedures against someone for their protected views can itself be harassment. These are summarised in the attached briefing.

Kishwer Falkner has been targeted by the same kind of unreasonable, vexatious complaints used to harass and intimidate so many ordinary women at work. Moreover, this has happened precisely because the EHRC acted, within its mandate, to protect such women from being targeted in this way.

It is concerning that GANHRI's Sub-Committee on Accreditation has responded to these complaints by accepting Stonewall's one-sided framing of the debate as being about "LGBTQI+ issues" that solely concern the rights of transgender people, and require consultation only with trans-rights organisations. In fact these are issues about law and policy that also engage with women's rights, child safeguarding and freedom of belief and expression on all sides.

We invite you to read the newspaper article that Stonewall have complained about, which is about why the EHRC intervened in the Forstater case: namely, to protect people against belief discrimination so that they may question ideas about gender identity "without being abused, stigmatised or risking losing their job".³

Stonewall goes on to accuse Baroness Falkner of using disrespectful language and doing something illegitimate by pointing to a conflict of rights between women and trans people during a Parliamentary evidence session. Again, we invite you to read the entirely reasonable words said by Baroness Falkner:

"When you have nine protected characteristics, you inevitably get a conflict of rights. That point of the conflict of women's rights versus trans rights and, in some cases, trans-identifying people's rights is extant. It is there. We pick up a newspaper and read about it every day. That is why we are seeing these legal challenges coming through... Conflict of rights is where the discussions are. In human rights law, it is becoming clearer that conflicts of rights where one tips the balance in favour of one group against another must be proportionate."⁴

These arguments are the same as those that were found by the Employment Appeal Tribunal in the case of *Forstater v CGD* to be "worthy of respect in a democratic society", in line with articles 9, 10 and 17 of the European Convention on Human Rights, and so protected by the Equality Act.⁵

Under the Equality Act 2010 employees and office-holders are protected from harassment because of belief. Harassment is defined as unwanted conduct which has the "purpose or effect of violating her dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for her."

In the recent case of *Ms D Fahmy v Arts Council England* an employee was found to have been harassed when colleagues circulated a petition against her with comments such as:

"It is clear that there are members of our own organisation who are happy to be vocally anti-trans and 'gender critical'. We shouldn't have to put up with this any more than we

³ Oliver Wright (2021). ['Women must be heard on transgender identity, says new equalities chief'](#), 15th May 2021, *The Times*.

⁴ Kishwer Falkner (2021). [Oral evidence: Reform of the Gender Recognition Act](#), HC 129, 16th June 2021.

⁵ [Forstater v CGD Europe and others](#) [2021] EAT

would racist or sexist behaviour. It's time to stamp out bigotry in the Arts Council in general and that change is to come from the top down and filtered through all departments.”⁶

That harassment was sparked by discussion of a grant that had been awarded (and then subsequently removed) from LGB Alliance, which these activist employees called an “anti-trans group”. Similarly Stonewall has complained because it says that the EHRC has met with LGB Alliance and others that it also calls “trans-hostile” groups.

In the *Fahmy* case, actions by employees such as circulating a petition complaining about expression of gender critical views were found to be harassment.

Employees at the EHRC sent inflammatory accusations about Kishwer Falkner to Vice News and to Channel 4. This action could arguably be harassment. The accusations themselves have now been investigated and dismissed by the EHRC board. But they are being dug-up again by GANHRI.

In the case of *Rachel Meade v Westminster City Council and Social Work England* an employer and social-work regulator were both found to have discriminated when they accepted at face value the accusation that gender-critical speech was “transphobic”. The judgment noted the “apparent willingness to accept a complaint from one side of the gender self-identification/gender critical debate without appropriate objective balance of the potential validity of different views in what is a highly polarised debate”.⁷ The judge ruled in that case that the opinions expressed by the claimant could not sensibly be viewed as being transphobic but were simply an opinion contrary to “the amendment to existing legislation, advocated for by trans lobbying groups to include, but not limited to, Stonewall”.

Stonewall is dissatisfied because the EHRC is doing its job, and is demonstrating independence from Stonewall. The EHRC’s job is to protect everyone’s rights, including those with “gender critical” beliefs. GANHRI has fallen into the trap of responding to unreasonable complaints about gender-critical speech in the same one-sided fashion that has been found to be harassment and discrimination in these recent cases. We urge you to rectify this injustice.

Yours sincerely



Maya Forstater
Executive Director



Helen Joyce
Director of Advocacy

⁶ [Ms D Fahmy v Arts Council England](#) [2023] ET

⁷ [R Meade v Westminster City Council and Social Work England](#) [2023] ET

On behalf of:

Sex Matters	FairCop	Women Won't Wheesht
Fair Play For Women	Northern RadFem Network	Gay Men's Network
Women's Rights Network	The Lesbian Project	Alumni For Free Speech
FiLiA	Merched Cymru	Best Free Speech Practice
LGB Alliance	Authentic Equity Alliance	Evidence-Based Social Work Alliance
Women's Declaration International – UK	Male Allies Challenging Sexism	Women Voting With Our Feet (Sole Sisters)
Women's Resource Centre	Freedom in the Arts	Scottish Lesbians
Transgender Trend	Lesbian Labour	Women's Institute Declaration
Conservatives for Women	Lesbian Strength	LGB Christians
Labour Women's Declaration Working Group	Lesbian Fightback	CambsWomen Together
Liberal Voice for Women	Lesbian Rights Alliance	LGB Liberal Forum
Free Speech Union	Women Speak Scotland	
Genspect	Audacious Women Collective	
Our Duty	OBJECT	