



Submission to GANHRI:

**Threats, reprisals and intimidation  
against the EHRC and those who stand  
up for sex-based rights in Britain**

**January 2024**

**Sex Matters** is a human-rights organisation campaigning  
for clarity about sex in law, policy and language  
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## Contents

<b>Introduction</b>	<b>3</b>
Independence of national human-rights institutions	4
EHRC under special review	5
<b>Sex and the law in the UK</b>	<b>7</b>
The Equality Act and the Gender Recognition Act	7
The role of the EHRC	8
<b>Women's rights and transgender people's rights</b>	<b>9</b>
A topic of democratic debate and legal consideration	9
Threats and intimidation	12
Workplace complaints: the process is the punishment	13
Police investigations	18
<b>Stonewall and the State</b>	<b>21</b>
What is Stonewall?	21
Stonewall's influence on employers	23
Stonewall's influence on the State	25
Bullying dissenters	26
Closing down debate	29
<b>Stonewall and the EHRC</b>	<b>32</b>
A close relationship	32
A new approach meets vilification and intimidation	41
<b>Are the complaints reasonable or are they harassment?</b>	<b>47</b>
Lack of independence from government on "LGBTQI+" issues?	48
Not engaging in meaningful consultation?	49
Changing position?	50
Internal disputes and senior staff resignations?	50
Not meeting international standards?	51
Belief discrimination and harassment: key cases	52

## Introduction

The Equality and Human Rights Commission is Great Britain's national human-rights institution (NHRI). Over recent years it has shifted from being strongly influenced by activist groups, particularly those promoting gender-identity ideology (the idea that everyone has a gender identity and that this is more important than their sex), to pursuing its mandate. A recent review of board effectiveness concluded:

*"In particular, the chair and board have been instrumental in effecting radical change by re-positioning the commission as a rigorous, objective regulator in the field of equality and human rights as opposed to its perceived historic position as an advocate for activist groups."*<sup>1</sup>

As a result it has been targeted by a campaign of threats, reprisals and intimidation focused especially on its chair, Baroness Kishwer Falkner. This has included attacks in the media, unsubstantiated claims of racism and transphobia leading to an internal investigation, and two occasions where masked men poured urine around the entrance to the office.

It has also been subject to three complaints to the Global Alliance of National Human Rights Institutions (GANHRI) coordinated by Stonewall, an organisation that has had, and is seeking to maintain, strong links to the state. Stonewall argues that the EHRC is not independent.

In May 2023 Sex Matters wrote to GANHRI together with 23 other groups asking it to stand up for the principles of protecting everyone's human rights and not to take the accusations about the UK's national human-rights institution at face value.<sup>2</sup> We wrote:

*"In recent years, people who express the "gender critical" belief that sex is real, immutable and important have faced discrimination, harassment and bullying in employment and in public life: they have had meetings cancelled by venues, faced investigations at work, been called in for police questioning because of comments made on social media, and faced violent and intimidating protests."*

We were dismayed to learn that in October 2023, just as the personal smears against Kishwer Falkner were being dismissed by the EHRC board, GANHRI responded to Stonewall's complaints by putting the EHRC into special review. We are submitting this briefing to GANHRI to provide context on the issue and the situation in Britain and in particular the role of Stonewall. We call on GANHRI not to allow itself to be weaponised as a means of reprisal against Great Britain's NHRI and instead to support it to do its job.

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<sup>1</sup> Onboard (2022). [EHRC Board Effectiveness Review](#).

<sup>2</sup> Sex Matters (2023). [We call on GANHRI to protect civic space](#).

### About Sex Matters

Sex Matters is a human-rights organisation that was set up by a group of lawyers, academics and activists to campaign for clarity on sex in law and policy in the UK, to protect everyone's rights. It was co-founded by Maya Forstater, the human-rights defender whose employment-tribunal case created the precedent that establishes that gender-critical beliefs are protected under Articles 9 and 10 of the European Convention on Human Rights, and under the protected characteristic of belief in the Equality Act 2010. Its advisory group includes the chair of the UK Parliament's Joint Committee on Human Rights.

It advocates for the UK government to clarify the meaning of "sex" in the Equality Act in order to protect everyone's rights. Its petition to Parliament prompted the Minister for Women and Equalities to write to the EHRC for advice on this issue. Since it was established in 2021, it has been calling for a public inquiry into the role of Stonewall in public life.<sup>3</sup>

It has met twice with the chair and CEO of the EHRC. It would welcome dialogue with Stonewall, and wrote to the chair of Stonewall on 30th October 2022<sup>4</sup>, 10th July 2023<sup>5</sup> and 22nd July 2023<sup>6</sup> requesting a meeting. It has never received a reply.

## Independence of national human-rights institutions

GANHRI accredits compliance with the UN 'Paris Principles', which protect the independence and effectiveness of national human-rights organisations. The Paris Principles include **independence** in law, membership, operations, policy and control of resources; a **broad mandate**; **pluralism in membership**; **broad functions**; **adequate powers**; **adequate resources**; **cooperative methods**; and **engagement with international bodies**.

GANHRI recognises that NHRIs can be effective only when their independence is supported by states, and that they are vulnerable to threats, reprisals and intimidation. These can come in a variety of forms, including political pressure, smear campaigns, physical attacks or threats and undue interference with the selection, appointment and dismissal process of members of an NHRI.<sup>7</sup>

<sup>3</sup> Sex Matters (2021). '[It is time for a public inquiry](#)'.

<sup>4</sup> Sex Matters (2022). '[Sex Matters writes to the new Chair of Stonewall](#)'.

<sup>5</sup> Sex Matters (2023). '[Letter to Iain Anderson, Stonewall](#)', 10th July 2023.

<sup>6</sup> Sex Matters (2023). '[Letter to Iain Anderson, Stonewall](#)', 22nd July 2023.

<sup>7</sup> GANHRI (accessed January 2024). '[Defending NHRIs from threats and reprisals](#)'.

The Sub-Committee on Accreditation (SCA) has the mandate to review accreditation. National institutions may be granted an A rating (fully compliant) or B rating (partially compliant) or be suspended. The EHRC currently has an A rating.<sup>8</sup>

## EHRC under special review

In October 2023 the Sub-Committee on Accreditation (SCA) decided to put the EHRC under special review. This means it could be downgraded to B status or even unaccredited.<sup>9</sup> This followed a campaign of complaints from Stonewall and other organisations that has been ongoing since May 2021.<sup>10</sup>

### Complaints in the public domain

- 18th May 2021: **Stonewall** and 38 organisations publish an [open letter](#) castigating the EHRC for intervening in the Forstater case.<sup>11</sup>
- 22nd January 2022: **LGBT Foundation** announces it is “[severing all ties](#)” with the EHRC.<sup>12</sup>
- 26th January 2022: **Stonewall** makes a public statement “We believe the EHRC is no longer fit for purpose” and [calls on GANHRI to review its status](#)<sup>13</sup>
- 1st June 2022: **Stonewall** together with 26 organisations submits a [33-page complaint](#) to GANHRI together with a letter from the legal firm [Bindmans](#).<sup>14</sup>
- 10th February 2023: **Stonewall** again complains to GANHRI, saying it has submitted a 19-page submission.<sup>15</sup>
- 30th May 2023: **TransLucent** submits a [61-page dossier](#) alleging conflicts of interests and “trans hostile” activities by EHRC to GANHRI.
- 1st June 2023: **Stonewall** and 29 organisations send another [complaint](#) to GANHRI, prompted by the EHRC providing a written response to a request for its opinion on a potential amendment to the Equality Act.<sup>16</sup>

The EHRC response also mentions a complaint from **TransPals**, an organisation that organises monthly meet-ups in a pub in Croydon.<sup>17</sup>

Sex Matters maintains a timeline of events.<sup>18</sup>

<sup>8</sup> GANHRI (2023). [Accreditation status as of 29 November 2023](#).

<sup>9</sup> GANHRI (2023). [Sub-Committee on Accreditation Report](#).

<sup>10</sup> Sex Matters (accessed January 2024). [Timeline of efforts to sabotage the EHRC's work to protect everyone's rights](#).

<sup>11</sup> Consortium (accessed January 2024). [EHRC open letter](#).

<sup>12</sup> LGBT Foundation (2022). [‘LGBT Foundation to sever all ties with the EHRC’](#).

<sup>13</sup> Stonewall (2022). [‘Stonewall response to EHRC statements on upcoming LGBTQ+ legislation’](#).

<sup>14</sup> Stonewall Equality Ltd (2022). [Submission to GANHRI re: Equality and Human Rights Commission accreditation](#).

<sup>15</sup> Stonewall (2022). [‘Major LGBTQ+ organisations spark international review of the EHRC’](#).

<sup>16</sup> Stonewall (2023). [Letter to GANHRI, 3rd May 2023](#).

<sup>17</sup> [TransPals website](#) (accessed January 2024).

<sup>18</sup> Sex Matters (accessed January 2024). [Timeline of efforts to sabotage the EHRC's work to protect everyone's rights](#).

The SCA states that it has placed the UK into special review because of “nine third-party submissions, between January 2023 to May 2023”. It highlights allegations that the EHRC:

“Does not demonstrate independence from government in relation to positions taken on LGBTQI+ issues.”

“Is not engaging in meaningful consultations with organizations working on the rights of transgender people, including when it provided advice to the UK Government on the definition of ‘sex’ in the national legislation.”

The SCA also states that it has drawn on publicly available information that:

“the EHRC has significantly changed its position in relation to key issues affecting the rights of transgender people.”

“there have been internal disputes within the EHRC, reporting an alleged “toxic culture” within the organization, allegations of bullying and harassment, and significant resignations, including of senior staff.”

Finally, the SCA refers to concerns expressed by Victor Madrigal Borloz – the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity – who stated that that the EHRC, in advising on the definition of “sex” under the Equality Act, acted in a way that was:

“wholly unbecoming of an institution created to stand up for those in need of protection and hold governments to account for their human rights obligations”.

On 1st September 2023, the EHRC chair, Baroness Falkner, wrote to members of the SCA to provide comments on these complaints, rejecting them and defending its record.<sup>19</sup>

The SCA has responded by saying that the third-party submissions and publicly available information: “raise serious concerns about the continued compliance of the EHRC with the Paris Principles, including its ability to conduct its mandate independently, to take positions in line with international standards, and its cooperation with civil society.”

We think that the complaints are one-sided and are part of a wider pattern of harassment, threats, reprisals and intimidation targeted at anyone who says that sex matters or who even supports the human rights of those who do.

Were such partisan complaints and accusations against an employee taken up by a UK employer for investigation and censure this would likely be unlawful harassment.

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<sup>19</sup> Equality and Human Rights Commission (2023). [Letter to members of the Sub-Committee on Accreditation, 28th November 2023](#).

## Sex and the law in the UK

### The Equality Act and the Gender Recognition Act

UK law recognises that there are two sexes: male and female (men and women). This is a longstanding feature of common law, in line with biological reality and also with CEDAW and the Istanbul Convention, which call on countries to protect women in particular against discrimination on the basis of sex.<sup>20</sup>

The Equality Act 2010 protects both men and women against sex discrimination, and also protects people against discrimination because of eight other protected characteristics including “gender reassignment” (which involves changing “physiological or other attributes of sex” that can include, for example, changing name and title or wearing clothing associated with the opposite sex).

The Equality Act is clear that the individual protected characteristics are separate. The protected characteristic of “sex” (being a man or a woman) does not include gender reassignment (being transgender), and the protected characteristic of being transgender does not change a person’s sex.

The only way a person’s sex can be changed for any purpose in law is through a gender-recognition certificate (GRC) issued under the Gender Recognition Act 2004 and following a clinical diagnosis of gender dysphoria. This has been confirmed by case law.<sup>21</sup>

Thus a person who identifies as transgender remains the sex that they were born for all legal purposes, unless they have a GRC. A person with a GRC is recognised as being the opposite sex for some legal purposes (such as marriage and pensions) and as their natal sex for other purposes (such as parenthood and sex crimes). Of course nothing in law can change other people’s perceptions, and a person’s sex is usually obvious to others even if that person takes measures to adopt aspects of the appearance of the opposite sex.

In recent years there has been legal contestation about the effect of a GRC on the definition of sex in the Equality Act, through a series of crowdfunded cases brought by women’s civil-rights groups.<sup>22</sup> This remains a live legal question.

What is clear is that both those with a GRC and those without may be protected against harassment and discrimination by the protected characteristic of “gender reassignment” in the Equality Act 2010.

<sup>20</sup> Council of Europe (2018). [‘Ending misconceptions about the Convention on Preventing and Combating Violence against Women and Domestic Violence’](#).

<sup>21</sup> Green v Secretary of State for Justice [2013], For Women Scotland v Scottish Ministers [2023]

<sup>22</sup> Fair Play For Women Ltd v UK Statistics Authority [2021]; EWHC 940 and For Women Scotland Ltd [2023]

The Equality Act also protects against discrimination and harassment on the basis of philosophical belief. This includes the belief that sex is real, immutable and important (so-called “gender critical” belief).<sup>23</sup> This is in fact the ordinary belief held by most people, and aligns with science and the law.

Harassment is defined as unwanted conduct against someone that has the “purpose or effect of violating her dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.” Recent cases have found that an employee was harassed when colleagues circulated a petition against her describing her gender-critical views as transphobic and bigotry.<sup>24</sup> Another employer and regulator were both found to have discriminated when they accepted at face value the accusation that gender-critical speech was “transphobic” and did not recognise that there are two sides to this debate.

## **The role of the EHRC**

The Equality and Human Rights Commission is a statutory body established under the Equality Act (2006). Its duties under equality and diversity (Section 8) are to:

- (a) promote understanding of the importance of equality and diversity
- (b) encourage good practice in relation to equality and diversity
- (c) promote equality of opportunity
- (d) promote awareness and understanding of rights under the Equality Act
- (e) enforce that act
- (f) work towards the elimination of unlawful discrimination, and
- (g) work towards the elimination of unlawful harassment.

It also has duties to promote understanding, awareness and practice in relation to human rights, to monitor the law and to recommend to central government the amendment, repeal, consolidation or replication of any of the equality and human rights enactments.

Its responsibilities apply to everyone’s human rights and to the operation of the law in relation to all nine protected characteristics in the Equality Act. There is no hierarchy of groups and it should not be beholden to particular groups.

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<sup>23</sup> Forster v CGD and others [2021] EAT

<sup>24</sup> [Fahmy v Arts Council England \[2023\] ET](#) and [Meade v Westminster City Council and Social Work England \[2023\] ET](#)

## Women's rights and transgender people's rights

### A topic of democratic debate and legal consideration

There are clear conflicts of interests between women and transgender males (who may identify as “trans women”, “non-binary”, “transgender”, “transsexual”, “transvestite” and so on), in particular when it comes to the question of whether male people adopting female dress should be able to claim rights of access to spaces, services and sports that are provided for women.<sup>25</sup>

There are also significant differences of opinion (including among clinicians) about whether a child who feels unhappy about being a boy or a girl should be treated as if they were “born in the wrong body” and “affirmed” as being the opposite sex, or instead enabled to grow up to feel comfortable in their own body.<sup>26</sup>

Alongside these moral and clinical debates, there have been political debates and legal cases concerning how the legal framework of anti-discrimination law should be understood and implemented in particular circumstances, and whether the law should be changed or clarified. There are broadly two sides of this debate, both represented by active factions of civil society:

- **Gender self-identification advocates** argue that everyone has a gender identity (which may be male, female or both or neither). Organisations, policies and laws should treat people as “men” or “women” (or both or neither) based solely on their declared gender identity. Typically those advocating for this position do not accept that this would have an impact on other people’s human rights.<sup>27</sup> They argue that “trans women are women and trans men are men” and that recognising the sex of transgender people is “transphobic”.<sup>28</sup>
- **Gender-critical advocates** argue that sex matters. They reject the idea of non-corporeal gender identities, and say that being a man or a woman is an objective fact based on biology. While they may respect that some people believe in gender identities (just as atheists recognise that some people believe in a god), they argue that they have a right to speak clearly and truthfully, and that recognising the material reality of sex in rules and policies is crucial for protecting other people’s rights, in particular those of women.<sup>29</sup>

<sup>25</sup> Helen Joyce (2021). [Trans: When Ideology Meets Reality](#), Oneworld. Sex Matters (2021). [‘Inclusion or fairness: new guidance for sport in the UK’](#).

<sup>26</sup> This is currently the subject of an [independent review by Dr Hilary Cass](#).

<sup>27</sup> Stonewall (2018). [‘Our work for trans equality is at the heart of our mission for acceptance without exception’](#).

<sup>28</sup> TransActual (accessed January 2024). [‘Transphobia’](#).

<sup>29</sup> Sex Matters (2022). [Why sex matters for human rights](#).

Linked to these two positions are differences over the interpretation of the current law, in particular about whether it is lawful to provide female-only services and sports that exclude all “trans women” (men who identify as women), or whether this may be done only on an individualised “case by case” basis, and whether having a GRC makes a difference to this.

Both sides of this debate have been recognised as legitimate viewpoints for public and democratic debate. For example:

- **In 2021 the Employment Appeal Tribunal in the case of Forstater v CGD** ruled that gender-critical beliefs meet the test of being “worthy of respect in a democratic society” and not destroying others’ rights. The Employment Appeal Tribunal overturned a previous decision that pronounced that the belief that sex is binary, immutable and important does not qualify for protection against belief discrimination. It concluded:

“Not only is it worthy of respect, but it is also one that is consistent with the common law under which sex is regarded as binary and fixed at birth for the purposes of all legal provisions which make a distinction between men and women... The coming into force of s.9, GRA, under which a person with a Gender Recognition Certificate (“GRC”) “becomes for all purposes” the acquired gender, does not, as the Tribunal appears to have found, require the Claimant to disregard what she considers to be a material reality, namely that sex is immutable.”

The judgment that the belief is worthy of respect in a democratic society rested on articles 9, 10 and 17 of the European Convention on Human Rights.<sup>30</sup>

- **There are civil-society voices on both sides of the debate.** These include registered charities with human rights objects: for example, Stonewall and LGBT Consortium are gender self-ID advocates. LGB Alliance and the women’s-rights charity FiLiA are examples of charities that have taken the gender-critical position.<sup>31</sup> Women’s rights charities such as the Fawcett Society,<sup>32</sup> Women’s Aid<sup>33</sup> and the Women’s Resource Centre<sup>34</sup> also emphasise the importance of retaining the ability to provide truly single-sex services for women, and have called for clearer guidance on how to interpret the law. Several new organisations, such as Fair Play For Women, Sex Matters and Woman’s Place UK (WPUK), were founded specifically to raise arguments on the conflict of rights. WPUK, for example, was founded by concerned women from

<sup>30</sup> [Forstater v CGD Europe and others \[2021\] EAT](#).

<sup>31</sup> FiLiA (2022). [‘FiLiA responds to NEU transphobia accusations’](#).

<sup>32</sup> Fawcett Society (2018). [‘Q&A on sex, gender and gender identity’](#).

<sup>33</sup> Women’s Aid (2022). [‘Position regarding member services and direct services to survivors’](#).

<sup>34</sup> Women’s Resource Centre (2022). [‘WRC Statement on women-only services and sex-based rights’](#).

the trade-union movement<sup>35</sup> and won the Emma Humphreys Memorial Award, which recognises women who work against male violence.<sup>36</sup>

- **The issue has been, and continues to be, the subject of democratic debate and judicial review**, including for example a Westminster Hall debate on 12th June 2023 where both sides of the debate were represented by MPs following two contrasting petitions.<sup>37</sup> In Scotland the Scottish Parliament passed a law which would enable people to obtain a GRC via self-identification. The UK government used a statutory power to block this law from receiving royal assent, on the basis that it would have adverse impacts on the operation of UK-wide laws, including the Equality Act 2010.<sup>38</sup> This was challenged in a judicial review by the Scottish Government and these concerns were found to be reasonable.<sup>39</sup>
- **Academics, legal scholars and human-rights experts have published research and opinion taking different sides.** The book *Sex and Gender: A Contemporary Reader* is an accessible compendium of gender-critical academic arguments.<sup>40</sup>

It is possible to argue for women's sex-based rights to be protected in the UK, but it is not easy. Human-rights defenders who seek to encourage the sharing of views and consideration of human rights face threats and intimidation, vexatious complaints at work and police investigation.

One of the first places where debate on the issue broke through into the establishment was in the House of Lords in February 2021. As crossbench peer Baroness Tanni-Grey Thomson said:

"This is a contentious issue and in this debate there will be many views... We need to be able to have an open discussion, without fear of retribution, of being cancelled or shouted down for discussing terminology or having a different view... I thought long and hard about joining the debate today and whether I could deal with any potential backlash that may come my way for saying that the word "woman" should be in this Bill... Being told what my opinion should be does not encourage sharing of views and is detrimental to the long-term goal of equality."<sup>41</sup>

<sup>35</sup> Woman's Place UK (accessed January 2024). '[About](#)'.

<sup>36</sup> Woman's Place UK (2018). '[WPUK wins 2018 Emma Humphreys prize](#)'.

<sup>37</sup> Sex Matters (2023). '[Westminster Hall debate on our petition to make the Equality Act clear](#)'.

<sup>38</sup> UK Government (2023). '[Statement of reasons related to the use of section 35 of the Scotland Act 1998](#)'.

<sup>39</sup> Court of Session (2023). '[Opinion of Lady Haldane, 8th December 2023](#)'.

<sup>40</sup> Alice Sullivan and Selina Todd (2023). *Sex and Gender A Contemporary Reader*, Routledge.

<sup>41</sup> Part of Ministerial and other Maternity Allowances Bill – Second Reading – in the House of Lords at 4:19 pm on [22nd February 2021](#).

## Threats and intimidation

The most famous case of a woman who has been threatened for expressing gender-critical views is the celebrated children's author JK Rowling, who wrote about her concerns with women's rights and children transitioning in 2020<sup>42</sup> and again about the proposal for gender-recognition reform in Scotland in 2022.<sup>43</sup> For this she has been called transphobic, had her work boycotted and received death and rape threats.<sup>44</sup>

Ordinary women are also targeted. Sex Matters has collected 50 examples of physical threats, intimidation and attacks used to intimidate and prevent women meeting and speaking about sex-based rights. These include bomb threats, smoke flares let off outside meetings, chants of sexualised abuse and banging on windows to disrupt meetings. In some cases there have been assaults.<sup>45</sup>

The EHRC has also been targeted with harassment. On 2nd September 2022, trans-rights activists left more than 60 bottles of urine outside the offices of the EHRC to protest against its single-sex services guidance. Masked men calling themselves the "Pissed Off Trannies" delivered the urine to the EHRC offices in Westminster, London, poured some into the revolving doorway, placed bottles of urine around the perimeter and staged what they described as a "piss-in". One member, wearing a rubber mask and a translucent dress through which his genitals were clearly outlined, urinated on himself and poured bottles of urine over himself and onto the pavement outside the building, all the while shouting: "The EHRC has blood on its hands and piss on its streets!"<sup>46</sup> They returned again on 16th May 2023.

<sup>42</sup> JK Rowling (2020). '[J.K. Rowling Writes about Her Reasons for Speaking out on Sex and Gender Issues](#)'.

<sup>43</sup> JK Rowling (2022). '[My article for the Sunday Times Scotland on why I oppose Gender Recognition Act reform](#)'.

<sup>44</sup> Daniel Sanderson (2021). '[I've had enough death threats to paper my home, says JK Rowling, after trans activists reveal her address](#)', *The Telegraph*, 22nd November 2021.

<sup>45</sup> Sex Matters (accessed January 2024). '[Intimidation, threats and violence by trans-rights activists](#)'.

<sup>46</sup> Zing Tsjeng (2022). '[Trans Activists Left Over 60 Bottles of Piss Outside the EHRC](#)', *Vice*, 6th September 2022. Jo Bartoshch (2022). '[Trans activists are taking the piss](#)', *Spiked*, 7th September 2022.

Figure 1: "Pissed off Trannies" attack the EHRC



## Workplace complaints: the process is the punishment

Ordinary women and men in every walk of life who make gender-critical arguments experience vexatious complaints at work of "transphobia" and face investigations and censure. In several cases they have been able to use the Equality Act 2010 to clear their name or be awarded compensation for harassment and discrimination after stressful and expensive legal cases. In other cases, those targeted have left their job without justice or remained in a hostile work environment where they are silenced. These examples all took place over the past few years:

- **Professor Kathleen Stock**, a lesbian and philosopher who wrote about the meaning of "woman", resigned from the University of Sussex after a campaign of student protests combined with a lack of support from her colleagues and trade union. "There's a small group of people who are absolutely opposed to the sorts of things I say and instead of getting involved in arguing with me, using reason, evidence, the traditional university methods, they tell their students in lectures that I pose a harm to trans students, or they go on to Twitter and say that I'm a bigot,"<sup>47</sup> she said. Instead of backing Stock, the University of Sussex's University College Union called for an investigation into "transphobia" at the university.<sup>48</sup>
- **Johnny Best**, a gay man and PhD student at Huddersfield University, was subjected to a lengthy disciplinary investigation over "transphobic" tweets after a fellow student

<sup>47</sup> Richard Adams (2021). '[Kathleen Stock says she quit university post over "medieval" ostracism](#)', *The Guardian*, 3rd November 2021.

<sup>48</sup> James Beal (2022). '[Hard-left academics "plotted gender ID witch-hunt" on colleagues](#)', *The Times*, 10th August 2022.

made an anonymous complaint after he wrote online about his experience of transgender activism and questioned the new definition of transphobia. Best made a complaint about his treatment and eventually his university apologised and paid compensation.<sup>49</sup>

- **Maya Forstater**, an international-development researcher, lost her job at the Centre for Global Development after tweeting about the issue of sex and gender. Her tweets were investigated and branded “transphobic”, and her contract was not renewed. She sued her employer for belief discrimination, and won after a four-year legal battle in which the organisation claimed that people with gender-critical beliefs would harass transgender people and should not be protected against discrimination.<sup>50</sup>
- **Allison Bailey**, a lesbian and barrister, won compensation from Garden Court Chambers over their discrimination towards her, after she tweeted welcoming the founding of LGB Alliance and criticising Stonewall’s position on trans rights, and wrote an email of concern about her chambers becoming a member of the Stonewall Champions scheme. Her chambers acted, publicly announcing and investigation after the charity wrote to them accusing her of “transphobic abuse”.<sup>51</sup>
- **Lucy Masoud**, a lesbian and firefighter, was targeted by Stonewall after she appeared on Radio 4 discussing this issue. Stonewall staff demanded a meeting with the London Fire Brigade, to have her “dealt with” and she was referred to in internal emails as a “hate preacher”.<sup>52</sup>
- **Joan Smith** lost her position as independent chair of the Mayor of London’s violence against women and girls board for raising the concerns of organisations combatting this violence about the loss of single-sex spaces.<sup>53</sup>
- **Lisa Mackenzie**, a public-affairs manager, left her job because she was subjected to an investigation after telling managers at the Royal College of Nursing about her authorship of a forthcoming academic publication on policy and human-rights issues around sex and gender. She removed her name from the academic paper in fear of her job but was unable to reach an understanding how she might avoid being subject to further investigation.<sup>54</sup>

<sup>49</sup> Sex Matters (2021). ‘[Huddersfield University apologises for “transphobic tweets” investigation](#)’.

<sup>50</sup> BBC News (2023). ‘[Maya Forstater: Woman gets payout for discrimination over trans tweets](#)’, 1st July 2023.

<sup>51</sup> Haroon Siddique (2022). ‘[Allison Bailey case is a microcosm of the wider debate about transgender rights](#)’, 19th June 2022.

<sup>52</sup> The Lesbian Project (2023). ‘[Episode 6: FREE - coming out, dating, surviving the Admiral Duncan bomb, and having Stonewall contact your employers - with special guest Lucy Masoud](#)’.

<sup>53</sup> BBC News (2021). ‘[Joan Smith: Women’s activist “lost job over transgender views”](#)’, 19th August 2021.

<sup>54</sup> Lisa Mackenzie (2021). ‘[“The process is the punishment”: the policing of feminist thought in the workplace](#)’, Woman’s Place UK.

- **Professor Jo Phoenix**, a lesbian and criminology professor at the Open University was “deplatformed” by Essex University, together with Professor Rosa Freedman, following complaints from the LGBT+ Allies network. This led Essex University to commission a review of the incidents by barrister Akua Reindorf which uncovered a culture of fear at the university amongst gender critical staff.<sup>55</sup> Phoenix was also subject to harassment by colleagues and discrimination at her own university after she expressed gender-critical beliefs and co-founded the “Gender Critical Research Network”. She was told not to speak about her research on transgender people in the criminal justice system in departmental meetings. Over 360 of her colleagues signed a public letter condemning the Gender Critical Research Network and the Equality, Diversity and Inclusion Representative for her faculty published derogatory tweets, including one showing her name and photo with a reference to a “transphobic/TERF/ GC campaign network”. The Open University was found by the employment tribunal to have harassed and discriminated against her.<sup>56</sup>
- **Denise Fahmy**, a relationship manager at the Arts Council, resigned after being subjected to a campaign of harassment because of her gender-critical beliefs, when she defended the funding of a film to be made by LGB Alliance. This culminated in a petition on the arts council’s online noticeboard in which her views were compared to racism and likened to a “cancer”. Fahmy successfully sued her employer and received an apology and an undisclosed amount in compensation.<sup>57</sup>
- **Cathy Boardman**, a lesbian and music academy lecturer, lost her job after defining ‘sex’ and ‘gender’ to her class. She stated that sex is biological and immutable, and that gender is the set of expectations associated with each sex. She was branded transphobic and students looked through her personal social media posts and found one where she said she did not think it fair that a biological male could compete in women’s weightlifting. She settled her case with the music academy.<sup>58</sup>
- **Shereen Benjamin**, a lesbian, trade unionist and academic at Edinburgh University, was targeted by colleagues for her gender-critical views. When she organised an event on women’s sex-based rights at her university, trade-union officials publicly supported a counter-demonstration under the banner: “No Terfs [“Trans Exclusionary Radical Feminists”] on our turf”. Following several incidents, including on branch social media, she put in a complaint about bullying and harassment. She was met

<sup>55</sup> Akua Reindorf (2021.) [Review of the circumstances resulting in and arising from the cancellation of the Centre for Criminology seminar on Trans Rights, Imprisonment and the Criminal Justice System](#)

<sup>56</sup> [Joanna Phoenix v The OpenUniversity](#) [2024] ET

<sup>57</sup> Geraldine Kendall Adams (2023). [‘Arts Council England settles with gender critical feminist after harassment claim’](#), Museums Association.

<sup>58</sup> Cathy Boardman (2022). [‘Support Lecturers and Respect Students’](#), CrowdJustice.

with counter-complaints saying that her presence made other people unsafe. It took nearly a year and a half to conclude, by which time the situation within the branch had become irretrievable and she resigned from the union.<sup>59</sup>

- **James Esses** was expelled from his training course to become a counsellor after he promoted a public petition about safeguarding gender-questioning children, which subsequently got 10,000 signatures and a response from the government, who agreed to many of the safeguards he had been asking for. The petition caused a social-media backlash against him and culminated in his expulsion. He is suing his college and professional institute for belief discrimination.<sup>60</sup>
- **Christian Henson**, the founder of Spitfire Audio, stepped down from the company he had founded after complaints of transphobia when he offered support to Irish comedy writer Graham Linehan and JK Rowling, who have both expressed gender-critical views. Following a wave of backlash to Henson's tweet, including people calling for a boycott of Spitfire Audio, the company's CEO responded with a public apology about Henson. He eventually left the company.<sup>61</sup>
- **Rosie Kay**, a choreographer, resigned from the dance company she founded saying she was forced out for her views on sex and gender, expressed at a dinner party in her home. Complaints made by the dancers present at the party led to an investigation process which she said was opaque and humiliating.
- **Maria**, a staff member at Oxfam, was investigated for "transphobia" after defending JK Rowling on the organisation's intranet. She was subjected to an internal investigation, which led to her having a nervous breakdown and leaving both her job and the country. Oxfam eventually offered an apology for "procedural mistakes".<sup>62</sup>
- **Sixteen academics at Cardiff University** who signed a letter raising concerns about freedom of speech in relation to transgender rights had their names and photos circulated on leaflets branding them "transphobic" and featuring a cartoon of a woman holding a gun.<sup>63</sup>
- **Christian Wilton-King**, a college lecturer who specialises in teaching children with autism, was investigated after comments made in a private Facebook group on concerns about the high prevalence of autistic children among those identifying as transgender were shared as evidence of "transphobia". He was ultimately found fit to

<sup>59</sup> James Beal (2022). '[Hard-left academics "plotted gender ID witch-hunt" on colleagues](#)', *The Times*, 10th August 2022.

<sup>60</sup> James Esses (2021). '[Expelled from my university course for holding gender critical views](#)', CrowdJustice.

<sup>61</sup> Brittany Chain (2023). '["Deeply saddened" Bafta-nominated composer who said he supported JK Rowling's gender rights views leaves £55.1million company HE founded after staff hounded by trans activists](#)', *Mail Online*, 23rd February 2023.

<sup>62</sup> Julie Bindel (2023). '["I was hounded out of Oxfam over JK Rowling"](#)', *UnHerd*.

<sup>63</sup> Sian Griffiths (2022). '[Activists pursue academics who want university to cut Stonewall ties](#)', *The Times*, 20th February 2022.

teach, but does not now feel he has a place in the profession. “If I am unable to safeguard my learners without fear of being reported to my employers and sacked for my views, I’d be unable to fulfil my duty of care to my students. It would be impossible for me to teach if I was compelled to perpetuate such stereotypes in lessons.”<sup>64</sup>

- **Rachel Meade**, a social worker, was suspended by Westminster Council after complaints about her sharing gender-critical views on social media. She was also disciplined by her professional regulatory body, Social Work England. She took them to tribunal and won in a belief discrimination which completely vindicated her of all complaints.<sup>65</sup>
- **Roz Adams** worked at Edinburgh Rape Crisis which has adopted a policy of “trans women are women”. When she asked questions about how to reassure clients who wanted to be sure they would be seen by a female counsellor, she was accused of transphobia and subjected to a disciplinary process and extended investigation. She went on sick leave and then left the job. She is suing her ex-employer for discrimination.<sup>66</sup>

It is notable how many of those who have been harassed and discriminated against because of their disagreement with gender ideology are women, and in particular lesbians. There is not a cohesive “LGBT” position.

There are many other cases that have not made it to court or into the public domain. The culture of fear has been exposed most fully in the higher-education sector. Sex Matters has logged media reports of more than 80 bullying, harassment and no-platforming incidents across UK universities including Bath Spa, Bristol, Cambridge, Edinburgh, Essex, Exeter, Durham, Huddersfield, Imperial College London, King’s College London, Liverpool John Moores, Oxford, Reading, University College London, York and the Open University.<sup>67</sup>

A recent report by Sex Matters highlights how these issues are impacting the women’s sector. CEOs and trustees of organisations concerned with male violence against women reporting that they face investigation, ostracisation and loss of funding for standing up for the principle of providing women-only services. They say that this is compromising their ability to do their jobs and keep women safe, and the sustainability of their organisations.<sup>68</sup>

<sup>64</sup> Jo Bartosch (2020). ‘[The sexist reality behind the transgender narrative](#)’, *The Article*.

<sup>65</sup> Victoria Cook (2024). ‘[Gender-critical social worker wins tribunal against Westminster council](#)’, *BBC News*, 10th January 2024.

<sup>66</sup> Claire Elliot (2024). ‘[Rape centre “refused to tell victim if volunteer was a man or a woman”](#)’, *Scottish Daily Mail*, 18th January 2024.

<sup>67</sup> Sex Matters (accessed January 2024). ‘[Log of academics targeted](#)’.

<sup>68</sup> Matilda Gosling and Sex Matters (2024). ‘[Women’s services: a sector silenced](#)’.

**Kishwer Falkner**

In 2022 a group of 12 staff submitted 40 complaints to the EHRC about Kishwer Falkner. An internal investigation was started. The complaints were eventually found to be unsubstantiated after an arduous eight-month process and the investigation was eventually closed by the board.

Staff also made anonymous public accusations via the media. *Vice News* reported: "Employees are quitting Britain's equalities and human rights watchdog because they say it has become 'transphobic' and 'the enemy of human rights'. The article quoted a staff member who objected to being "forced to be more impartial" and who accused leaders of making statements "transphobic, or racist, and incredibly damaging."<sup>69</sup>

A Channel 4 news programme included an accusation that Kishwer Falkner had referred to a trans-identifying man as a "bloke in lipstick". Another source later said the comment had been taken out of context and had been referring to an incident of abuse directed at a transgender individual.<sup>70</sup>

## Police investigations

In addition to workplace investigations, people who express gender-critical ideas have been subject to stressful police investigations and in some cases prosecutions, which are later dropped or overturned.

- **Harry Miller**, a former police officer, was investigated by police over a poem that he posted on Twitter. A "cohesion officer" from Humberside Police telephoned Mr Miller and told him that, while his tweets had not broken any laws, he should not engage in political debate on Twitter "because some people don't like it".
- **Kellie-Jay Keen**, a women's rights campaigner, has been interviewed under caution several times.<sup>71</sup>
- **David McConnell**, a street preacher, was arrested for "misgendering", charged and convicted of a public-order offence. This conviction was later overturned.<sup>72</sup>

<sup>69</sup> Ben Hunte (2022). ['Staff Are Quitting Britain's Equality Watchdog the EHRC Due to "Transphobia"'](#), *Vice News*, 4th February 2022.

<sup>70</sup> Inderdeep Bains and Martin Beckford (2023). ['Plot to drive out equality chief who's standing up for women: Whistleblowers at human rights commission say boss is facing "witch hunt" from trans lobby'](#), *Mail Online*, 22nd May 2023.

<sup>71</sup> Dan Sales (2022). ['Police threaten to arrest women's rights campaigner Kellie-Jay Keen if she doesn't attend "voluntary" interview after being accused of hate crime over "Let Women Speak" demo that was targeted by pro trans activists'](#), *MailOnline*, 22nd November 2022.

<sup>72</sup> Christian Concern (2023). ['Win for street preacher as 'misgendering' conviction overturned'](#).

- **A retired social worker from Hebden Bridge** took a photograph of a gender-critical sticker to show her partner and was questioned by West Yorkshire police at her home.<sup>73</sup>
- **Sarah Phillimore**, a barrister and a campaigner on sex and gender issues, was contacted by an account on Twitter informing her that she had a “record for life” of “hate”, as her tweets had been reported and recorded by the police under “Hate Crimes Operational Guidance”<sup>74</sup>.
- **Miranda Yardley**, a transsexual, was prosecuted for a transgender hate crime after a complainant, who worked on behalf of the charity Mermaids, alleged harassment by potentially exposing her and her transgender child to bullying and abuse. The judge stated that there was no evidence of harassment, that issues of freedom of speech enshrined in Article 10 of the ECHR were clearly engaged and that it was a case that the CPS should never have brought.
- **Caroline Farrow** was reported to police after she referred in a tweet to the child of Mermaid’s CEO Susie Green, who was taken to Thailand at the age of 16 to have sex-reassignment surgery. Farrow wrote: “Susie Green is in breach of Samaritans policy about how suicide should be discussed and broached in the media. What she did to her own son is illegal. She mutilated him by having him castrated and rendered sterile while still a child”.<sup>75</sup>
- **Linda Bellos OBE**, a leading feminist and campaigner for racial equality, was prosecuted for an offence of using threatening, abusive or insulting words or behaviour contrary to section 5 of the Public Order Act 1986 for a talk about women’s rights and transgenderism which was broadcast on social media. The prosecution was later dropped.<sup>76</sup>
- **Kate Scottow** was prosecuted and found guilty under s.127 of the Communications Act and found guilty of using a public communications network to “cause annoyance, inconvenience and anxiety” when she referred to a man who identifies as a woman as a “pig in a wig” on Twitter. She was arrested and held in a cell for seven hours, and her computer and phone were impounded as evidence for months.

<sup>73</sup> Chris Pollard and James Tapsfield (2023). ‘[Suella Braverman says case of pensioner quizzed over “keep males out of women-only spaces” sticker is an example of police “straying into politically contentious matters”](#)’, *Mail Online*, 3rd September 2023.

<sup>74</sup> Sarah Phillimore (2020). ‘[The police should not secretly record us as “hateful”](#)’, *CrowdJustice*.

<sup>75</sup> Rory Tingle and Katie French (2019). ‘[Devout Catholic mother, 44, is unrepentant over calling a transgender woman “he” and claiming the teenager was “mutilated” as she describes the “terrifying” moment police came to her door](#)’, *Mail Online*, 25th March 2019.

<sup>76</sup> 2 Hare Court (2019)). ‘[Gudrun Young Secures No Case to Answer in Controversial First Prosecution for “Transgender Hate Crime”](#)’.

Harry Miller took Humberside Police and the College of Policing to Judicial Review and eventually won in both cases. It was found that the police unlawfully interfered with his freedom of expression.<sup>77</sup> Kate Scottow's conviction was overturned two years after her arrest.

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<sup>77</sup> [R \(Harry Miller\) v The College of Policing and The Chief Constable of Humberside \[2020\] EWHC.](#)

## Stonewall and the State

These experiences have been described as “witch hunts” and compared to McCarthyism.

In several cases employees who have been smeared and investigated at work have been vindicated and their employer found to have unlawfully harassed them (see the final section of this briefing for key cases).<sup>78</sup>

To understand why employers and the police are harassing and investigating people who express the perfectly ordinary and lawful view that there are two sexes and that sex matters, it is important to understand the role played by the organisation Stonewall in guiding, influencing and seeking to control the State to prevent debate.

## What is Stonewall?

**Stonewall** was set up as a campaign group in 1989 to fight for lesbian, gay, and bisexual (LGB) people’s rights in the UK. In 2015, having won the battles on equalising age of consent, protection against discrimination on the grounds of sexual orientation, and same-sex marriage, it decided to expand its mandate to promoting the agenda of “transgender inclusion” and against “transphobia”. Stonewall’s definition of transphobia is: “The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it.” Kathleen Stock writes:

“This definition therefore might easily classify as transphobic any academic argument that trans women [i.e. men who identify as women] aren’t literally women, and trans men [i.e. women who identify as men] not literally men, since this clearly constitutes a refusal to accept gender identity.”<sup>79</sup>

Stonewall’s objectives for legal change were set out in *A Vision for Change: acceptance without exception for trans people 2017–22*:

- **Reform the Gender Recognition Act 2004** to remove the requirement to provide medical evidence and, instead, establish a simple administrative process, make specific provision for non-binary identities, and remove the “spousal veto”.
- **Reform of the Equality Act, to include ‘gender identity’** as a protected characteristic and to remove the use of the terms ‘gender reassignment’ and ‘transsexual’. Advocate for the removal of all instances of permitted discrimination of trans people from the

<sup>78</sup> [Fahmy v Arts Council](#) [2023] ET and [Meade v Westminster City Council and Social Work England](#) [2023] ET

<sup>79</sup> Written evidence from Professor Kathleen Stock (FOE0029): [Freedom of Expression Inquiry](#), UK Parliament

Act, as well as for updates to the explanatory notes and statutory codes of practice accordingly.

- **Judicial review of the law on sex by deception** to clarify prosecution policy and guidance, and amend it where necessary with due regard to the trans person's right to privacy.
- **Changes to identity documents to enable an X gender marker** on birth certificates, passports and driving licences and the recognition and protection of non-binary people in law.<sup>80</sup>

The organisation adopted a policy of “no debate” about the status of gender identity in relation to sex, particularly with people concerned that their proposals would undermine women's rights.

Its critics argue that by abandoning recognition of the two sexes it has become unable to represent the interests of gay, lesbian and bisexual people.

Stonewall was not successful in achieving any of these legal changes over this period, but it has been very successful at convincing organisations that the legal changes it would like are already the law, and that women expressing gender-critical views are “hateful” and potentially even doing something unlawful.

Stonewall's position on single-sex services is that organisations may not have blanket policies, and that people who identify as transgender have a right to access opposite-sex services:

“Under the Act, trans people have the right to access single-sex services in line with their ‘acquired gender’...a blanket policy excluding trans women from a women-only service would not be lawful”<sup>81</sup>

Stonewall is the largest organisation in a broader “LGBT consortium” of organisations lobbying for this agenda, including Mermaids and Gendered Intelligence.<sup>82</sup>

The LGB Alliance was set up in 2019 as an alternative group by gay, lesbian and bisexual people who felt that Stonewall had abandoned its original constituency and were pursuing campaigns against same-sex attracted people.

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<sup>80</sup> Stonewall (2017). [A Vision for Change: acceptance without exception for trans people 2017–22](#).

<sup>81</sup> Stonewall (2018). [Evidence to the Inquiry on Enforcing the Equality Act](#).

<sup>82</sup> [LGBT Consortium](#).

## Stonewall's influence on employers

A key part of Stonewall's success is that it has embedded itself within public bodies and employers, who sign up for it to advise and train them to follow its interpretation of the law. Stonewall seeks to create incentives so that these organisations become "agents of change". As it says in its 2019 annual report:

"We know that our work with governments, businesses and educational establishments fundamentally alters their practices and culture, and makes them agents of change for their partners, suppliers, customers – and wider society."

This has been highly successful. 900 employers, responsible for 25% of employment in the UK, are part of the **Stonewall Diversity Champions** scheme, and adopt its recommendations on HR policies.<sup>83</sup> These have included, in recent years, around 50 central government departments, the armed forces, 100 local authorities, 110 NHS bodies, 60 police and emergency services, many major corporations, law firms, charities, professional bodies and regulators.

Many Stonewall members have been state entities.<sup>84</sup> This undoubtedly undermines democratic accountability, legal compliance and regulatory independence in many areas. For example, Stonewall members included until recently the State broadcasters the BBC and Channel 4, and the broadcasting regulator Ofcom; the Department for Education, the schools inspector Ofsted, and hundreds of individual schools; dozens of police forces, the Crown Prosecution Service, the Prisons and Probation service, and the Ministry of Justice; and many NHS trusts, the Care Quality Commission which regulates health and social-care providers, and the Department of Health.

Almost all universities in the UK are members of the Stonewall Champions Scheme.

Around 400 member organisations also take part in the annual **Workplace Equality Index (WEI)** where they annually submit detailed answers to questions about their policies; how they influence staff through internal networks and communications; and how they influence external organisations through procurement, public communication, and engagement with clients and suppliers.<sup>85</sup>

As part of the Diversity Champions and WEI schemes, employers are encouraged to adopt Stonewall's definition of transphobia and commit to an approach of zero tolerance. Furthermore they are expected to adopt de-facto self-ID policies that go beyond the law and

<sup>83</sup> [Stonewall Annual Report](#) (2022)

<sup>84</sup> Sex Matters (accessed January 2024). '[Keeping track of Stonewall](#)'.

<sup>85</sup> Naomi Cunningham (2021). '[Submission and compliance: risks for Stonewall Champions](#)', Legal Feminist.

ignore potential conflicts with women's rights. They are also encouraged to develop Stonewall-aligned "LGBT and allies" groups, which act as internal lobbying and monitoring groups. Employers are encouraged to incentivise staff and suppliers to positively advocate for Stonewall messages and to include participation in "allies" programmes as rewardable key performance indicators.

Stonewall encourages employers to disregard parts of the Equality Act 2010, viewing it as out of date and telling them to act as if the law had already been changed, in line with Stonewall's lobbying agenda:

- not to use language in line with the Equality Act 2010 such as sex, male, female and mother
- not to collect data on the protected characteristic of sex, but instead to ask staff if they are male or female or some other term under the category of "gender identity"
- to treat any recognition of a trans person's sex ("misgendering") as harassment
- to allow customers and employees to use toilets, showers and changing facilities in line with their "gender identity".

The barrister Akua Reindorf considered Stonewall's guidance in her report for Essex University which investigated the de-platforming of Jo Phoenix and Rosa Freedman. She concluded that Stonewall's advice had been "founded on an erroneous understanding of the law":

"The policy states the law as Stonewall would prefer it to be, rather than the law as it is."<sup>86</sup>

In the case of social worker Rachel Meade, who won her discrimination claim after being investigated and sanctioned for "transphobia" by her employer and regulator, the tribunal concluded:

"We consider it wholly inappropriate that an individual such as the Claimant espousing one side of the debate should be labelled discriminatory, transphobic and to pose a potential risk to vulnerable service users. That in effect equates her views as being equivalent to an employee/social worker espousing racially discriminatory or homophobic views. The opinions expressed by the Claimant could not sensibly be viewed as being transphobic when properly considered in their full context from an objective perspective, but rather her expressing an opinion contrary to the interpretation of legislation, or perhaps more accurately the amendment to existing legislation, advocated for by trans lobbying groups to include, but not limited to, Stonewall."<sup>87</sup>

<sup>86</sup> Sex Matters (2021). ['The Reindorf Review: a wake-up call for universities'](#).

<sup>87</sup> [Meade v Westminster City Council and Social Work England \[2024\] ET](#)

## Stonewall's influence on the State

The Stonewall Diversity Champions Scheme involves civil servants in lobbying for Stonewall's agenda. Government bodies pay Stonewall to advise them on the law. Stonewall advises them to follow the law as they would like it to be, and to promote legislative change. Stonewall then marks them on how well they are promoting Stonewall's policy agenda in order to award them points on its good employer scheme.<sup>88</sup>

This can be seen very clearly in the relationship between Stonewall and the Scottish government. Typically Stonewall receives around £100,000 a year from the Scottish government and additional funding related to NHS Scotland.

### Scottish government grants to Stonewall<sup>89</sup>

	2017	2018	2019	2020	2021
<b>Scottish government</b>	£97,500	£92,500	£100,000	£100,000	£99,917
<b>NHS Scotland</b>		£33,324	£46,000	£46,000	£47,380

This payment is for work by Stonewall to encourage NHS trusts to join the Stonewall Workplace Equality Index (WEI), to improve their WEI ranking and to set up public-sector allies programmes.<sup>90</sup> Individual NHS trusts then pay additional membership, training and conference fees to participate in the programme.

The cycle of influence was investigated in the BBC Radio series on Stonewall by Stephen Nolan in the episode 'Is Government Too Close to Stonewall?'<sup>91</sup> This highlighted how public-sector staff members were encouraged to lobby for a change to the law on legal gender recognition. The Scottish government then submitted details of this lobbying as part of its Workplace Equality Index submission, in order to be graded and awarded points by Stonewall.

<sup>88</sup> Fair Play For Women (2021). ['Nolan investigates: Stonewall. Episode 6 – Is Government Too Close to Stonewall?'](#)

<sup>89</sup> Taken from Stonewall's annual reports.

<sup>90</sup> Scottish Government (2018). [Letter from the Scottish government to Stonewall Scotland, 19th March 2018.](#)

<sup>91</sup> Fair Play For Women (2021). ['Nolan investigates: Stonewall. Episode 6 – Is Government Too Close to Stonewall?'](#)

Scottish Government submission to Stonewall:

“At the Road shows a variety of LGBTI related information was promoted from external organisations, including information about the need for reform of the Gender Recognition Act 2004. Conversations with staff who stopped by covered issues such as the need for gender neutral toilets in Scottish government buildings, what is meant by cisgender and the legitimacy of trans and nonbinary gender identities.”

Stonewall annual report:

“We also helped secure a commitment from the Scottish Government to legislate to reform gender recognition for trans people in Scotland, with a bill published that will de-medicalise the gender recognition process”

There is also a similar arrangement with the Welsh Government.<sup>92</sup>

Stonewall also influences the language and messaging used by the State broadcasters, the BBC and Channel 4. The BBC’s 2018 LGBT Culture and Progression Report recommended that the BBC work harder to ensure it made it into the top 100 of the Workplace Equality Index, and it did this by adopting Stonewall’s language and its message. Ben Hunte, the BBC LGBT correspondent, presented videos for Stonewall when he was at the BBC.<sup>93</sup> Ex-BBC correspondents report that staff who have attempted to introduce some balance to the reporting of sex and gender issues have been subjected to direct attacks to their reputation and integrity from colleagues, often on social media.<sup>94</sup>

## **Bullying dissenters**

As well as positively incentivising state employees to promote Stonewall’s agenda, the schemes also encourage employers to view gender-critical views as “transphobic”, and for individuals to raise complaints at work if their colleagues express dissenting opinions or raise questions.

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<sup>92</sup> Merched Cymru (2021). [‘Merched Cymru calls for halt to controversial “diversity” scheme’](#).

<sup>93</sup> Fair Play For Women (2021). [‘Nolan investigates: Stonewall. Episode 10 – Is the BBC Too Close to Stonewall?’](#)

<sup>94</sup> The Critic (2022). [‘More of the same news from the BBC’](#).

In 2019, Kathleen Stock put out a call for anonymised testimonies from academics about how research that was critical of gender-identity ideology and trans activism was being suppressed. She published 27 testimonies that jointly describe an atmosphere of fear and intimidation in response to attempts to critically interrogate the idea of gender identity, and an escalation in the use of student complaint procedures to suppress academic freedom in this area. One testimony reported:

"I received calls from colleagues to inform me that someone had emailed academics, within my affiliated departments and research groups, making allegations of transphobia., racism., homophobia and sexism... In addition, further allegations were made that I may be psychotic due to my views on biological sex and the construct of gender, and consequently I should not be around children or vulnerable people." <sup>95</sup>

The raising of unreasonable complaints against dissenters was also seen clearly in the case of Allison Bailey, a lesbian and a criminal barrister at Garden Court Chambers, a Stonewall member. When Bailey publicly opposed gender self-ID, Stonewall wrote to her employer accusing her of transphobic tweets, including "retweeting threats of violence" (for retweeting a comment on hate-crime legislation), and of "targeting Stonewall staff" (for commenting on a workshop coaching heterosexual males into identifying as lesbians and pressurising young lesbians to have sex with them).<sup>96</sup> Stonewall also said that by chairing a Woman's Place UK meeting, Bailey was involved with a "hate group".

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<sup>95</sup> [Written evidence from Professor Kathleen Stock \(FOE0029\)](#).

<sup>96</sup> Stonewall (2019). [Email from Head of Trans Inclusion](#), 31st October 2019.

Figure 2: Stonewall emails to Garden Court

**From:** [redacted]  
**To:** [redacted]@gclaw.co.uk; [redacted]@gclaw.co.uk; [redacted]@gclaw.co.uk  
**Subject:** Concerns: Garden Chambers associated barrister - transphobia online, and targeting a trans member of our staff  
**Date:** 31 October 2019 15:17:00

Dear Heads of Chambers: Leslie Thomas QC, Judy Khan QC, and Marc Willers QC

I am contacting you within my role as Head of Trans Inclusion at Stonewall to raise concerns regarding the barrister Allison Bailey and her association with yourselves.

Ms Bailey who goes by @bluskyeallison on twitter publicly states her association with Garden Court Chambers in her twitter bio. Via her twitter she has been making and retweeting multiple transphobic statements online, including:

- Retweeting threats of violence: "I am a walking hate crime"  
[https://twitter.com/y\\_hall/status/1184053827449827328](https://twitter.com/y_hall/status/1184053827449827328)
- Liking and writing posts calling trans women men:
  - "because some men like performing femininity we are eliminating every safe space women have" (<https://twitter.com/NoToMisogyny/status/1186268687466143749>)
  - "I put the rights and safety of women before men who want to live as women"  
<https://twitter.com/BluskyeAllison/status/1175363351129595904>
- Writing tweets calling for trans people to lose their current legal rights:
  - "Women & girls have suffered, and continue to suffer, at the hands of predatory & abusive men. It is offensive & unacceptable to suggest, much less legislate, for a system whereby \*any\* man can declare himself lawfully to be a woman."  
<https://twitter.com/BluskyeAllison/status/1184847295768125442>
  - "tell the MoJ to stop sending men to women's prisons. Tell the NHS that no, men cannot self-ID onto women's wards."  
<https://twitter.com/BluskyeAllison/status/1180665075851546625>
- Writing posts that misgender trans women by saying they have "male privilege"  
<https://twitter.com/BluskyeAllison/status/1183080781838716933>
- Calling trans people and their campaign for equality "trans extremism" which is highly inflammatory language that encourages violent resistance  
<https://twitter.com/BluskyeAllison/status/1176418398739341312>

As well as specifically targeting Stonewall and specific members of our staff:

- **Targeting a woman who works for us (our trans empowerment manager) and calling her a man** "Morgan Page, a male"  
<https://twitter.com/BluskyeAllison/status/1175739790181974017>
- Calling our work on LGBT equality "gender extremism"  
<https://twitter.com/BluskyeAllison/status/1188863773727166466>
- accusing Stonewall of "appalling levels of intimidation, fear & coercion"  
<https://twitter.com/BluskyeAllison/status/1188365954255863808>
- spreading false information about Stonewall splitting (which is completely untrue) through retweeting these tweets:  
<https://twitter.com/Marie07163544/status/1187047008302960642> &  
<https://twitter.com/GabriellaSwier/status/1187043177829675008> ).

Ms Bailey has also chaired Woman's Pace meetings which is regarded by many LGBT rights and anti-violence organisations to be a hate group.

These actions and their link to Garden Court Chambers, threatens the positive relationship yourselves have built with the trans community through holding events, round tables and meetings for trans people on trans equality & rights. Ms Baileys actions are also in direct conflict with the fantastic work your barristers, such as Alex Sharpe, have done on GRA reform.

Garden Court barristers have always been allies to trans people and to Stonewall, which is something we are very proud of and grateful for. However, for Garden Court Chambers to continue associating with a barrister who is actively campaigning for a reduction in trans rights and equality, while also specifically targeting members of our staff with transphobic abuse on a public platform, puts us in a difficult position with yourselves: the safety of our staff and community will always be Stonewall's first priority.

I trust that you will do what is right and stand in solidarity with trans people.

Thank you in advance for your time and consideration on this issue.

Yours sincerely,

## Closing down debate

There are numerous examples of Stonewall as well as other transactivist organisations and internal LGBT groups, actively working to silence dissent and prevent civil-society debate being hosted by other organisations:

- **A National Centre for Social Research event on the census was cancelled at the request of a staff LGBT group** in order to avoid platforming gender-critical social-scientist Alice Sullivan. Nancy Kelley, subsequently CEO of Stonewall, was also due to speak and was involved in the cancellation. Sullivan was due to argue in favour of retaining data collection on sex – not instead of, but in addition to, data on people's self-declared gender identity.<sup>97</sup>
- **Great Ormond Street Hospital cancelled a top trainee doctors' conference** after trans-rights activists protested that gender-critical speakers would make Zoom attendees feel "unsafe".<sup>98</sup>
- **Mermaids told a publisher of a magazine for A-level law students** that they should edit a report on the case of Harry Miller v Humberside Police. The article was heavily cut, with the editor giving the explanation: "The claimant's [Harry Miller's] views and the judge's [Mr Justice Julian Knowles's] comments about transgender issues would be offensive to most of our readers and our staff." The author, Ian Yule, protested: "If

<sup>97</sup> Alice Sullivan (2021). '[Sex and the Office for National Statistics: A Case Study in Policy Capture](#)'. *The Political Quarterly*, 92: 638-651.

<sup>98</sup> Ewan Somerville (2022). '[Great Ormond Street cancels trainee doctor conference over trans "safety" complaints](#)', *The Telegraph*, 19th March 2022.

the judgment of a respected High Court judge is likely to upset such students and their teachers, they have no business studying or teaching this subject.” He resigned as chair of the editorial board of *A-Level Law Review*.<sup>99</sup>

- **Gendered Intelligence argued that the gender-critical group Transgender Trend should not be allowed to raise funds via the online Crowdfunder platform.** It said that the organisation’s aim is “to spread incredibly harmful and untrue claims about what it means to be trans”. Crowdfunder investigated and exonerated Transgender Trend.<sup>100</sup>
- **LGB Alliance, set up as an alternative national gay, lesbian and bisexual rights organisation in 2020 has faced challenges to its existence.** Mermaids, the LGBT Consortium and the Good Law Project took the Charity Commission to court to challenge the registration of the organisation. This challenge also originally included Stonewall but it dropped out. Mermaids and the other challengers argued that LGB Alliance’s “purposes are reprehensible and they are not charitable; they are political objectives – to roll back legal protections for trans people”.<sup>101</sup>
- **An academic who had been researching the silencing, discrimination and harassment of female academics who raise questions about gender-identity theory, had her research at City University shut down.** Laura Favaro says: “I have been ostracised, subjected to false complaints, had my research stopped, my research data taken away, and I have lost my job.”<sup>102</sup>
- **Stonewall advocates at University College London tried to have a conference on women’s rights cancelled** on the basis that it was in “direct contradiction to Stonewall’s UK Workplace Equality Index”. Ten UCL colleagues, including six EDI vice-deans, posted a defamatory open letter demanding that the then provost prevent the event from going ahead at UCL, and they publicised it in the student press. They not only slurred the organisers’ reputations, but also succeeded in creating substantial difficulties for them as organisers.<sup>103</sup>
- **The Arts Council withdrew a funding award it had given to LGB Alliance after complaints on social media.** The charity was awarded a £9,000 Arts Council grant to make a film for the Queen’s Platinum Jubilee. Following a social-media outcry and accusations of “transphobia” the grant was withdrawn. At a meeting of 400 Arts Council staff, Simon Mellor, deputy chief executive, said: “LGB Alliance is a divisive

<sup>99</sup> Nicholas Hellen (2020). ‘[JK Rowling publisher asked Mermaids trans group to “censor” legal article on free-speech ruling](#)’, *The Times*, 9th August 2020.

<sup>100</sup> Kaan K (2018). ‘[Fundraising site Crowdfunder re-instates campaign to send “transphobic” booklet to schools](#)’, *Independent*, 23rd August 2018.

<sup>101</sup> Good Law Project (accessed January 2024). ‘[Appeal LGB Alliance’s charity status](#)’.

<sup>102</sup> Dr Laura Favaro (accessed January 2024). ‘[Academic freedom for feminists](#)’, CrowdJustice.

<sup>103</sup> Alice Sullivan (2021). ‘[Speeches to UCL Academic Board Meeting on Stonewall Membership, 10th December 2021](#)’.

organisation with a history of anti-trans exclusionary activity” and that it was “a mistake” to have made the funding award.<sup>104</sup>

- **Civil-society organisations refused to sign a letter on the Universal Periodic Review because gender-critical Sex Matters and LGB Alliance attended an EHRC-sponsored workshop.** The event was hosted by the human-rights department of Birmingham City University for civil-society organisations to feed into the UPR. Some organisations refused to sign an open letter drafted on the day that called on the government to engage more with civil society; BCU withdrew the letter. The centre’s deputy director then wrote to the LGB Alliance and Sex Matters saying that BCU would not work with them as the university has a policy only to work with organisations that align with Stonewall. The legal department of BCU later denied such a policy exists.<sup>105</sup>
- **The UK’s first feature-length documentary about the clash between women’s rights and trans rights was twice blocked from being shown at the University of Edinburgh.** Pro-trans activists blocked the venue. The film screening went ahead in November 2023 despite a protest involving more than 100 people.<sup>106</sup> Student groups told the university that by permitting the screening it was “failing its trans community and contributing to a hostile, alienating environment for trans people and their allies.” They argued that it contained “hateful speech” and should not be permitted at the university.<sup>107</sup>
- **Calderdale Library** removed gender-critical books by authors including Helen Joyce, Kathleen Stock, Abigail Shrier and Heather Brunskell-Evans from public view, while still being available for order. The Calderdale Council review of the decision to remove gender-critical books from library shelves cited guidance from [Book 28](#), a volunteer-led company that runs a small LGBT library in London. It calls gender-critical books ‘lawful but awful’ and tells librarians to ‘not promote these books’.<sup>108</sup>

Stonewall itself appears to be vulnerable to such silencing: any moves towards a more open approach are cut short. When Iain Anderson became chair of Stonewall in October 2022 he was asked about engaging with “gender critical” views. He said he wanted to talk to women’s groups. On 20th July 2023, he was interviewed again, called for tolerance, respect and dialogue, and invited organisations that disagree with the Stonewall to engage constructively.

<sup>104</sup> Robert Medick (2022). ‘[Arts Council boss withdraws funding from “anti-trans” gay-rights charity](#)’, *The Telegraph*, 3rd December 2022.

<sup>105</sup> Sex Matters (2023). [Tweet, 2nd May 2023](#).

<sup>106</sup> Craig Williams & Joanne Macaulay (2023). ‘[Adult Human Female film is shown in Edinburgh](#)’, *BBC News*, 22nd November 2023.

<sup>107</sup> [Letter to Professor Cunningham-Burley](#) (undated).

<sup>108</sup> Carrie Clark (2023). ‘[Why are libraries hiding gender-critical books?](#)’, *Spiked*, 7th November 2023.

A few days later Stonewall issued a statement saying that it would never use “our precious resources on dialogue with people who are vehemently against LGBTQ+ communities”.<sup>109</sup> Anderson stepped down as chair not long afterwards.

## **Stonewall and the EHRC**

### **A close relationship**

The EHRC has long had close links with Stonewall. Angela Mason was director of Stonewall from 1992 to 2002 and went on to run the government’s Women and Equality Unit, which developed the initial proposals for the EHRC and the Equality Act. Ben Summerskill, the next CEO of Stonewall, was appointed as an early EHRC commissioner and served until 2009, while he was also Stonewall CEO.<sup>110</sup> He was then replaced by Angela Mason. David Isaac, ex-Stonewall chair, went on to chair the EHRC from 2016 to 2020. Colin Macfarlane, who heads Stonewall Scotland and Northern Ireland, is a former employee of the EHRC and tweeted at the time how pleased he was that an ex-Stonewall Chair was now leading the EHRC. When David Isaac stepped down from the EHRC, Nancy Kelley, the Stonewall CEO at the time, wrote him a warm letter of thanks for his ongoing support (see Figure 3 below).

Press for Change, another organisation advocating for trans rights, also had close relations with the EHRC, providing training to it and in 2009 being awarded funding to develop the “TransEquality project”, which provided legal advice to transgender people, business and non-profit organisations with the apparent endorsement of the EHRC.

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<sup>109</sup> Sex Matters (2023). [‘Stonewall chair speaks \(and then recants\)’](#).

<sup>110</sup> Sam Jones and James Sturcke (2009). [‘New resignation hits Equality and Human Rights Commission’](#), *The Guardian*, 24th July 2009.

Figure 3: Stonewall letter to David Isaac



From 2017 to 2019, the EHRC worked on guidance for schools on how to accommodate “transgender children”, collaborating closely with Stonewall, Mermaids and Gendered Intelligence. The EHRC chair at the time, ex-Stonewall chair David Isaac, launched the project, saying: “We should be pleased that children feel increasingly more comfortable talking about their gender identity – but we need to get better at dealing with it.” He argued against “rigid views about what it means to be male or female”.<sup>111</sup>

Emails released in response to a request under freedom-of-information legislation<sup>112</sup> show how close the relationship was at this time, with Stonewall employees expecting to be able to review the draft guidance and facilitate roundtable meetings.

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<sup>111</sup> Nicholas Hellen (2017). ‘[New guidelines on school sports for trans pupils](#)’, *The Times*, 5th November 2017.

<sup>112</sup> WhatDoTheyKNow (2021). [Information about the EHRC’s dealings with Stonewall](#).

Figure 4: Stonewall emails to EHRC

From: [REDACTED]  
 To: [REDACTED]  
 Subject: RE: Trans guidance for schools  
 Date: 17 April 2019 08:46:31  
 Attachments: image003.png  
 image004.png  
 image005.png  
 image006.png  
 image008.png

Hi [REDACTED]  
 Thanks very much for the update. Let me know if there'll be an opportunity for us (alongside the trans-led orgs at the roundtable) to review the draft before it's published – thank you very much.  
 Best wishes

From: [REDACTED]  
 Sent: 10 September 2019 09:53  
 To: [REDACTED]  
 Cc: [REDACTED]  
 Subject: RE: Roundtable - 02.08.2019.

Hi [REDACTED]  
 Thank you for sharing the record of the meeting, along with the additional information on the topics we weren't able to cover.  
 I'll share this with the other participants, including [REDACTED] (cc-ed), who coordinates the Trans Organisations Network at the Consortium. We'll make sure that other stakeholders are informed of your consultation plans, and we're happy to help facilitate future roundtables and meetings.  
 With best wishes,  
 [REDACTED]

From: [REDACTED] <[REDACTED]@stonewall.org.uk>  
 Sent: 12 August 2019 12:58  
 To: [REDACTED] <[REDACTED]@equalityhumanrights.com>  
 Subject: RE: Contact details

Hi [REDACTED]  
 Of course, it's [REDACTED]  
 And thank you for your follow-up from the meeting, I'm really looking forward to working with you on the stakeholder engagement plans.  
 Best wishes,  
 [REDACTED]

From: [REDACTED]  
 To: [REDACTED]  
 Cc: [REDACTED]  
 Subject: RE: Roundtable with EHRC  
 Date: 10 July 2019 13:41:10  
 Attachments: image001.png  
 image002.png  
 image003.png  
 image004.png

**From:** [REDACTED]@stonewall.org.uk>  
**Sent:** 18 June 2019 15:01  
**To:** [REDACTED]@equalityhumanrights.com>  
**Cc:** [REDACTED]@stonewall.org.uk>  
**Subject:** Follow-up from our meeting

Hi [REDACTED],

Thank you for meeting with us last week, it was good to catch up on where you were with the trans equality pieces of work and guidance you're involved in, and to understand the EHRC's perspective on some of these key issues.

I wanted to take you up on your offer to facilitate a meeting between trans equality organisations and senior members of EHRC staff. As the letter to [REDACTED] outlined, there are some specific issues that it would good to talk about at a roundtable. Although we disagree in some areas on interpretation of the law, obviously it's important for trans communities we work together to build common ground and consensus and we want to take an active role in making that happen, very much in line with the build-up strategy that we talked about. We could aim to follow the roundtable up with regular stakeholder engagement meetings, especially while the Government is working on so many policy reviews and potential legislation related to trans equality. If you let us know some good dates and times, we'd be happy to coordinate.

Thanks again,

[REDACTED]  
[REDACTED]  
[REDACTED]

*Pronouns:* he/him

\*\*\*\*\*

In 2019 the draft schools guidance was leaked. It suggested that male children could be enrolled into school as "girls" and female children as "boys", with their actual sex kept secret from peers and staff, and that children should be allowed to use opposite-sex facilities and sports.<sup>113</sup> This is in line with recommendations from Stonewall and Mermaids, but not with child safeguarding or the Equality Act.<sup>114</sup> Stonewall offered to assist the EHRC with crisis communication when these issues were raised.

<sup>113</sup> Fair Play For Women (2019). 'Could do better. The EHRC should rewrite its draft guidance', 30th August 2019.

<sup>114</sup> For example, see the [legal advice by Dan Squires](#)

Figure 5: Stonewall email to EHRC

Many thanks,  
 [REDACTED]  
**From:** [REDACTED]  
**Sent:** 29 August 2019 15:05  
**To:** [REDACTED]  
**Subject:** Mumsnet  
 Dear [REDACTED]  
 I'm getting in touch after being alerted to the fact that the Scottish version of your upcoming guidance, *Trans pupils: guidance for schools on the Equality Act*, has been leaked on Mumsnet. I'd like to offer our support in managing this situation. If you're able to share the details of your lead in the communications/press team, I can put them in touch with our Head of Media, [REDACTED] and Director of Communications, [REDACTED] who have a significant amount of experience in this area and would be able to help.  
 With best wishes,  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
**Pronouns:** he/him  
 \*\*\*\*\*  
 [REDACTED]  
 We've come a long way, but the fight for equality is far from over. [Join us](#). Search #ComeOutForLGBT  
 \*\*\*\*\*

Emails from 2020 show that Stonewall staff expected the EHRC to adopt its talking points and to “pull together” with its coalition.

Figure 6: Stonewall emails to EHRC

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: EHRC and sector meetings  
**Date:** 12 May 2020 16:43:34  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[Stonewall response - WESC Coronavirus and the impact on people with protected characteristics FINAL.docx](#)  
[Briefing on the care of trans children and young people - Stonewall, Mermaids and Gendered Intelligence.docx](#)  
[Briefing - legal gender recognition systems in other countries.docx](#)

Hi [REDACTED]

Thanks for meeting with us yesterday.

I've attached the response we worked on with the Foundation on Consortium on the impact of coronavirus on LGBT people and communities for the WESC. I've also attached a draft briefing on the care of trans children and young people, which might provide some useful background. It mentions Gillick competence, which is also being challenged in the JR being taken against the Tavistock (quotes from the claimants lawyers [here](#) highlight the challenge to Gillick).

On the conversation on GRA, I think the key things we would be:

- The EHRC to voice clear support for a demedicalised system, in line with international best practice and human rights standards. I've attached another (slightly out of date) briefing on human rights standards and other countries' systems.
- The EHRC to help facilitate relationships between equalities organisations to respond to the Minister's comments on GRA reform and help us to ask for clarity on proposals, particularly around single-sex spaces (especially as this is covered by the EA2010, and the Government committed that they weren't going to amend this as part of proposed reform to the GRA), "checks and balances" and the care of children and young people.
- The trans inclusion for schools. I completely appreciate why this is on pause, but ongoing JRs mean that more and more local and public authorities are withdrawing trans inclusive guidance. I think that organisations like the [CPS](#) and [Oxfordshire County Council](#) would have found the guidance from the EHRC incredibly useful in responding to challenges.

Do let me know if there's anything else you might need ahead of that conversation, or with your responses to committees – always happy to help if I can!

Take care,

[REDACTED]

**From:** [REDACTED]@stonewall.org.uk]  
**Sent:** 21 April 2020 07:58  
**To:** [REDACTED]  
**Subject:** RE: Covid-19

Hi [REDACTED]

Good to "meet you", although since working for Stonewall I haven't yet been to the office or actually met anyone! In any case, its great to be here and great to be part of such an incredible organisation and of course part of the wider partnership of organisations who are making a difference.

I know the key relationship is liking to be with the CEO, but please do let me know if there is ever anything I can do.

More now than ever, organisations need to pull together so that the position of LGBT communities continues to improve during what will inevitably become a significant downturn in the economy.

Also please feel free to spread my name around to any one with whom you think I should be engaging. Whilst I have a career in not for profit and supporting people, I have limited networks in the LGBT world and I don't underestimate how much we can all achieve together.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED] | *Pronouns: she/her*  
\*\*\*\*\*

**From:** [REDACTED]@stonewall.org.uk>  
**Sent:** 27 August 2020 14:24  
**To:** Chair and CEO <[ChairandCEO@equalityhumanrights.com](mailto:ChairandCEO@equalityhumanrights.com)>  
**Cc:** [REDACTED]@stonewall.org.uk>  
**Subject:** Congratulations and request to meet

Dear [REDACTED]

I hope this finds you well – I'm [REDACTED] and I'm the new Chief Executive of Stonewall.

I wanted to send over our congratulations on being appointed as Acting Chair of the Commission – we're very much looking forward to working with you.

Let me know if you'd be free for a brief introductory call in the coming weeks to discuss how we can support each other's work in the coming months, and to pick up from my recent conversations with [REDACTED] – thank you very much.

Let me know when works best, and my colleague [REDACTED] copied in, can arrange a convenient time for us to speak – please don't hesitate to get in touch in the meantime if you have any questions.

Best wishes,

[REDACTED]  
[REDACTED]  
[REDACTED]

*Pronouns: (she/her)*  
\*\*\*\*\*

In their meetings together at that time there was no sign that the EHRC highlighted the need to consider other people's human rights.

Figure 7: EHRC minutes of meeting

Trans roundtable minutes – 02.08.2019

**Attendees**

**London**

Amnesty  
Stonewall  
Consortium  
National LGBT Partnership  
Mermaids  
Consortium  
GIRES  
GIRES  
Melanie Field – EHRC  
EHRC  
EHRC  
EHRC

**Glasgow**

Alliance  
Gendered Intelligence  
EHRC

**Manchester**

LGBT Foundation  
EHRC  
EHRC

**Introductions**

Melanie welcomed stakeholders to the roundtable.

**A. Spousal consent**

- i. Stakeholders asked if any spouses of trans people were engaged prior to the Commission submitting its consultation response. Concern that the aim for a spouse to be fully informed about their spouse's intent has been conflated with the aim for a spouse to give consent and have a veto.
- ii. Viewpoint raised that it is easy for spousal consent to hold a trans person in limbo and can serve as a deterrent to trans people getting legal recognition.
- iii. ██████ explained that the Commission needed to achieve a balance of human rights through the prism of Articles 8 and 9.
- iv. Suggestion put forward that in Scotland there is a presumption of consent unless it is rebutted, so there are alternatives to spousal consent, however trans person is still required to go to a sheriff which is still court process.
- v. A stakeholder stated that individuals marry the person not the legal constructs of a marriage contract so it is difficult to justify a 'technical' difference.

- vi. Melanie explained that the consultation response was not driven with an intent to provide people with a protection from trans people, but was based on rights relating to changing a legal contract (marriage contract).
- vii. A stakeholder stated that there is weight given to dissenting voices in faith organisations but there are faith groups that are in agreement with trans rights. A point was raised that the Commission hasn't got the balance right between protecting religious freedoms and trans rights.
- viii. **Action: Policy team to review this position – [REDACTED] take forward in next Policy Clinic**

#### **B. Commission proposal for a registrar**

- i. The stakeholder group questioned what engagement the Commission had undertaken prior to developing this position and who proposed it (was it somebody from an engagement group)?
- ii. Melanie explained that the reason for the proposal of a registrar was to streamline the process and ensure that safeguards are in place. The registrar would be a legal not medical role to ensure that the person understands the consequences of obtaining a GRC.
- iii. [REDACTED] explained that this position was developed as an internal recommendation after listening to stakeholders.
- iv. Stakeholders stated that in the current system there is an information pack and helpline to call if they need more information so a registrar would be an additional step.
- v. Stakeholders stated there is no data to suggest that people applying for a GRC don't know what they're doing or need more information on legal implications. Requiring a registrar meeting suggests trans people need additional checks to make sure their GRC applications are appropriate.
- vi. [REDACTED] explained that a registrar provides safeguards and will also be a point of contact for information provision and that it is a reasonable and proportionate measure.
- vii. A stakeholder raised a concern that a registrar face-to-face meeting would be a barrier for disabled people, people living in rural areas, and for people who can't travel or leave their homes.
- viii. [REDACTED] stated that safeguarding is needed for those who apply for a GRC to ensure that they understand the legal consequences and can make an informed decision. The registrar would be there as a safeguard for individuals under coercion and individuals who need adjustments. This is an improvement from the medical model to an administrative model. The Commission has to reflect the law as it stands.
- ix. A stakeholder stated that there is little evidence that the self-declaration model has resulted in fraudulent claims. They questioned if the proposal for a registrar is a safeguard against fraudulence or a safeguard for trans people. There was a suggestion for the Commission to look at other jurisdictions that have a self-identification model, particularly Ireland.
- x. A stakeholder questioned that if a name change can occur without an 'until death' requirement – why do trans people have to make this promise.
- xi. Melanie explained that, in regards to the 'until death' requirement, there needs to be a statement of serious intent, similar to a marriage contract.
- xii. A stakeholder agreed that the 'until death' requirement is needed because it makes it a sincere declaration but that there needs to be more explicit information that a trans person could reapply for a GRC (similar to a divorce in a marriage contract).

## **A new approach meets vilification and intimidation**

Recruitment for a new chair of the EHRC was launched on 29th June 2020, and 32 applications were received. On 7th September, the panel interviewed four shortlisted candidates and identified two who could be appointed. The Minister for Women and

Equalities chose Baroness Kishwer Falkner. The minister's decision was published on the government website on 15th October 2020.<sup>115</sup>

In March 2021 the EHRC left the Stonewall Diversity Champions Scheme and in April it applied to intervene in the appeal in the case of *Forstater v CGD* to support the argument that people with gender-critical beliefs are protected against belief discrimination by the Equality Act.

On leaving the Stonewall scheme, Baroness Falkner wrote:

"Our independence and impartiality is non-negotiable, is protected in statute, and is profoundly important to everything we do. We will continue to seek to clarify the law to defend the rights of all who are discriminated against because of protected characteristics."

This new approach was not welcomed by the organisations that had previously felt they were entitled to fealty. Commenting disapprovingly on the decision to intervene in the *Forstater* case, Grey Collier, former EHRC legal director (now working at Liberty and a trustee of Mermaids) tweeted:

"One day this will look to you – as it does to me – as abhorrent as racist, sexist and homophobic views are generally now considered to be."<sup>116</sup>

Stephen Whittle of Press for Change commented:

"Having read the EHRC submission to the court, they are correct in the strict legal sense, but provide no suggestion that EHRC supports trans folk."<sup>117</sup>

A new organisation called TransLucent was established that had a particular focus on the EHRC<sup>118</sup>, working closely with *Vice News*.

<sup>115</sup> Joint Committee on Human Rights (2020). '[Appointment of the Chair of the Equality and Human Rights Commission](#)'.

<sup>116</sup> Grey Collier (2021). [Tweet \(@greycollier\)](#), 30th April 2021.

<sup>117</sup> Stephen Whittle (2021). [Tweet \(@stephenwhittle\)](#), 1st May 2021.

<sup>118</sup> TransLucent (accessed January 2024). '[Browsing: the EHRC exposed](#)'.

On 18th May 2021, the LGBT Consortium, Stonewall, and 37 other organisations wrote an open letter to the EHRC condemning its decision to intervene in the Forstater case:

“We are frustrated that you then chose to intervene in a case to say that so-called ‘gender critical’ beliefs should be a protected philosophical belief.

“It was a kick in the teeth to trans people to see the EHRC appear to put their organisational weight behind a movement that has only contributed to rising hate for trans people in communities, creating a policy environment where it is harder for trans people to access their rights.

“That the EHRC chose to add their weight to this intervention has sent a deeply damaging message to trans people about their validity and worth. This intervention has lost the trust of trans people and LGBTQ+ people more broadly.”<sup>119</sup>

Baroness Falkner responded, saying: “Defending the right to believe that sex is immutable in no way impacts on our commitment to uphold the rights of trans people.”<sup>120</sup>

On 26th January 2022, the EHRC published a cautious position on the proposed legislation on gender-recognition reform in Scotland. It also published a cautious position on legislating to ban “transgender conversion therapy”, asking for more research to be undertaken.<sup>121</sup> It raised concerns about the impacts of legal gender self-ID:

“We consider that more detailed consideration is needed before any change is made to the provisions in the Act. The potential consequences include those relating to the collection and use of data, participation and drug testing in competitive sport, measures to address barriers facing women, and practices within the criminal justice system, inter alia.”<sup>122</sup>

In response, the LGBT Foundation published a statement saying that it was severing all ties with the nation’s human-rights watchdog.<sup>123</sup>

Stonewall released a statement on 26th January 2022 saying that the two statements by the EHRC violated the “Paris Principles”.<sup>124</sup>

In a report for Vice News on 2nd February 2022, Ben Hunte (who had now left the BBC) made much of emails obtained under freedom-of-information requests by trans-activist group Steph’s Place/TransLucent, which showed that the EHRC had had stakeholder meetings with

<sup>119</sup> LGBT Consortium (accessed January 2024). ‘[EHRC Open Letter](#)’ (undated).

<sup>120</sup> Equality and Human Rights Commission (2021). ‘[Our response to the LGBT Consortium’s open letter](#)’.

<sup>121</sup> Equality and Human Rights Commission (2022). ‘[Banning conversion therapy](#)’.

<sup>122</sup> Equality and Human Rights Commission (2022). ‘[Letter to Cabinet Office, 26th January 2022](#)’.

<sup>123</sup> Sam Wait (2022). ‘[LGBT Foundation cuts ties with equalities watchdog](#)’, Civil Society, 28th January 2022.

<sup>124</sup> Stonewall (2022). ‘[Stonewall response to EHRC statements on upcoming LGBTQ+ legislation](#)’.

groups advocating for sex-based rights such as Fair Play For Women and LGB Alliance. Hunte called these “anti-trans groups”.<sup>125</sup>

Colin Macfarlane of Stonewall Scotland tweeted that he was “heartbroken” and that the commission was not “fit for purpose”:

“I worked at the EHRC for 4 years. I’m heartbroken at how much it has lost its way & for the many good people who work there who I know will no longer feel safe. There is now something very rotten at the core of the Commission. It is not fit for purpose.”<sup>126</sup>

Stephen Whittle of Press for Change said the article was:

“evidence of just how far the anti-trans rot has set in amidst the EHRC. Truly shameful and must lead to calls for the entire board to be replace IMHO.”<sup>127</sup>

On 4th February 2022 there was another article by Hunte in *Vice News*, reporting that “Employees are quitting Britain’s equalities and human rights watchdog because they say it has become “transphobic” and “the enemy of human rights”.<sup>128</sup> A further article by Hunte on 10th February reported that staff were upset and that they viewed forthcoming guidance on single-sex services as “transphobic”.<sup>129</sup>

On the same day, Stonewall, the Good Law Project, Liberty, Gendered Intelligence, TransActual, Mermaids, the LGBT Foundation and the LGBT Consortium reported that they had submitted a 19-page dossier to GANHRI calling for the EHRC to lose its “A” rating:

“It is difficult to see how the EHRC can continue to hold its current status, given how compromised it appears to be, and how far from Paris Principles compliance it has drifted.”

TransLucent wrote:

“Virtually all the major LGBTQ+ & trans specific organisations have cut ties completely with the EHRC – that’s something like 19 different, mostly major organisations including Europe’s biggest LGBTQ+ charity – all refusing to work with closely with them due to the trans hostile actions of the current Chair and Board.”<sup>130</sup>

<sup>125</sup> Ben Hunte (2022). [‘Britain’s Equalities Watchdog Met Privately With Anti-Trans Groups’](#), *Vice News*, 2nd February 2022.

<sup>126</sup> Colin Macfarlane (2022). [Tweet \(@cmac76\)](#), 2nd February 2022.

<sup>127</sup> Stephen Whittle (2021). [Tweet \(@stephenwhittle\)](#), 2nd February 2022.

<sup>128</sup> Ben Hunte (2022). [‘Staff Are Quitting Britain’s Equality Watchdog the EHRC Due to “Transphobia”](#), *Vice News*, 4th February 2022.

<sup>129</sup> Ben Hunte (2022). [‘Leaked EHRC Guidance Reveals Plans to Exclude Most Trans People From Bathrooms’](#), *Vice News*, 10th February 2022.

<sup>130</sup> Claire (2022) [‘Falkner finally speaks, and it’s as bad you expect’](#), TransLucent.

Baroness Kishwer Falkner responded publicly with an article in *The Guardian* saying that the EHRC values its relationships with civic organisations to help inform its thinking and our priorities, but with a broad remit it can't please all of them all of the time.

"Where we have modified our position on self-ID for trans people or the Gender Recognition Act, we have done so because new evidence about the tension between trans and women's rights is emerging. Only last week, there have been seemingly contradictory legal judgments on the meaning of "sex" in law. Other cases are in the pipeline. Recently, public responses to our strategic plan have shown a huge increase in concern about these competing rights."<sup>131</sup>

On 1st April 2022, GANHRI dismissed that complaint and on 4th April the EHRC published its single-sex services guidance.

The guidance makes clear that single-sex services are lawful, giving the example of a community centre that has separate male and female toilets, as well as an additional gender-neutral toilet. It says that it is lawful to have:

"signs telling all users that they may use either the toilet for their biological sex or to use the gender neutral toilet if they feel more comfortable doing so."<sup>132</sup>

The following day, several trans-activist organisations published statements condemning the new guidance and advising service providers to disregard it.<sup>133</sup>

On 30th May 2022 TransLucent published a 61-page complaint to GANHRI. It included complaints that the EHRC has left the Stonewall Champions Scheme, that it has met with organisations such as Fair Play For Women and LGB Alliance, that it intervened in the Forstater employment appeal tribunal ("the employment tribunal of a known trans hostile activist, succeeding in establishing trans hostile 'gender critical' beliefs as protected under the Equality Act") and that it had issued the single-sex services guidance.<sup>134</sup>

The document includes fanciful claims such as that that 6,500 emails (19 per day) over a three-month period were exchanged with "trans hostile groups"; that the legal cases and law firms that EHRC commissioners who were working lawyers were working on made them suspect; and that the fact that Sex Matters and Transgender Trend published schools guidance was evidence of "collusion" by the EHRC.

<sup>131</sup> Kishwer Falkner (2022). ['The EHRC is here to support the rights of all – whatever anyone says to the contrary'](#), *The Guardian*, 20th February 2022.

<sup>132</sup> Equality and Human Rights Commission (2022) [Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment exceptions](#)

<sup>133</sup> LGBT Consortium (2022). ['LGBT+ sector responds to the EHRC guidance on single sex service provision'](#).

<sup>134</sup> Steph's Place (2022). [Submission to GANHRI](#).

Most of the complaints are based on the view that gender-critical beliefs are “transphobic” and should be ignored or vilified in favour of the view that “trans women are women”.

On 1st June 2022, together with Good Law Project and the unincorporated group Disabled People Against the Cuts, Stonewall submitted a 19-page letter written by the law firm Bindmans<sup>135</sup>, together with a 33-page submission.<sup>136</sup> It is more cogent than the TransLucent submission, but contains many of the same accusations. It complains that Baroness Falkner has spoken in support of anti-trans “gender critical” beliefs and appears to have liaised “disproportionately” with gender-critical groups (referring to the *Vice* report by Ben Hunte) and that it is “out of step with mainstream civil society organisations”. The letter says that these three organisations have “lost faith with the EHRC, its desire to work with them constructively (or at all)”.

As in the TransLucent dossier, what the complaint boils down to is that the EHRC is not supporting the position of Stonewall and its allies, and that it is recognising the human rights of other people (whom Stonewall dismiss as “anti-trans”). Stonewall criticises Baroness Falkner in particular because she:

“pointed to what she described as an ‘obvious’ conflict of rights between women and trans people. In this evidence she referred to trans people as ‘trans-identifying people’, a term that is not considered respectful within the trans community, and in fact is associated with trans hostile groups.”<sup>137</sup>

Stonewall states that:

“The Paris Principles recognise that effective human rights work comes through cooperation that requires NHRIs to collaborate with other State institutions, NGOs and civil society groups. Given the lack of independence of the EHRC leadership from political influence, a growing number of NGOs see no merit in cooperation with the EHRC and openly complain about its lack of independence, bias and failure to promote the most progressive interpretations of international human rights law.”<sup>138</sup>

On 21st February 2023, the Minister for Women and Equalities wrote requesting the EHRC’s considered advice:

<sup>135</sup> [Letter from Bindmans LLP to GANHRI, 1st June 2022.](#)

<sup>136</sup> Stonewall (2022). [Submission to GANHRI](#), 1st June 2022.

<sup>137</sup> Stonewall (2022). [Submission to GANHRI](#), 1st June 2022.

<sup>138</sup> Stonewall (2022). [Submission to GANHRI](#), 1st June 2022.

“on the benefits or otherwise of an amendment to the 2010 Act on the current definition of ‘sex’, along with any connected or consequential enactments, bearing in mind the advantages and disadvantages that such a change might entail for affected groups”.<sup>139</sup>

This followed a petition by Sex Matters and several relevant legal cases. The EHRC chair wrote back on 4th April with a detailed response, based on the EHRC’s understanding of the law and consideration of the impact on different groups.<sup>140</sup>

This sparked a third Stonewall complaint to GANHRI, sent on 3rd May 2023, together with 33 organisations. Again it complained about “opposition to progressive reform of the UK’s systems of gender recognition and, in particular, opposition to the creation of a system of gender recognition based on legal declaration”, and added to this a complaint that the EHRC had recommended changing the Equality Act definition of “sex”, so that it clearly relates to biological sex.<sup>141</sup>

## Are the complaints reasonable or are they harassment?

Stonewall first argued in January 2022 that the EHRC was “not fit for purpose” and had violated the Paris Principles by publishing its careful, cautious statements on the Scottish self-ID law and conversion therapy. This is clearly ridiculous. The Paris Principles do not enforce state conformity with the demands of Stonewall.

By May 2023, while Baroness Falkner was being subjected to an internal investigation and a media witch-hunt, the complaint had been whipped up into the hyperbole that the EHRC is a “failed institution” which is “not demonstrating a commitment to the human rights of all persons, nor is it functioning in a pluralistic, independent and effective manner”.<sup>142</sup> **This complaint should be recognised as a smear and an attempt at reprisal against the EHRC and harassment of its leadership, who have sought to become independent of Stonewall and to enforce the Equality Act.**

Five issues are highlighted in the SCA’s decision to put the EHRC into special review:

1. Question about independence from government in relation to positions taken on LGBTQI+ issues.
2. Not engaging in meaningful consultations with organisations working on the rights of transgender people, including when it provided advice to the UK Government on the

<sup>139</sup> Kemi Badenoch (2023). [Letter to Kishwer Falker, 21st February 2023](#).

<sup>140</sup> Kishwer Falker (2023). [Letter to Kemi Badenoch, 3rd April 2023](#).

<sup>141</sup> Stonewall (2023). [Letter to GANHRI, 3rd May 2023](#)

<sup>142</sup> Stonewall (2023). [Letter to GANHRI, 3rd May 2023](#)

definition of “sex” in the national legislation.

3. Significantly changing position in relation to key issues affecting the rights of transgender people.
4. Concern about internal disputes within the EHRC, reporting an alleged “toxic culture”, allegations of bullying and harassment, and significant resignations, including of senior staff.
5. Concerns expressed by the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

Not only are these complaints baseless; their partisan framing reflects neither the EHRC’s mandate nor recognition of the universal human rights that underpin it. The issues are described as “LGBTQI+ issues”, only concerning the rights of transgender people and requiring consultation with organisations working on the rights of transgender people. In fact these are issues that also engage women’s rights, child safeguarding and freedom of belief and expression. They concern the rights of everyone and should involve consultation with all parts of civil society.

## **Lack of independence from government on “LGBTQI+” issues?**

In recent years the government, the opposition and the EHRC have all dropped their earlier commitment to gender self-ID. This reflects the fact that human-rights defenders in civil society have raised issues of women’s rights, gay rights, child safeguarding and freedom of speech that had not been considered previously.<sup>143</sup> They have done so in the face of harassment and intimidation, as we have set out.

There is a fundamental disagreement represented by different parts of civil society about whether transgender people should have the right to use facilities and compete in sports intended for the privacy, dignity, fairness and safety of the opposite sex, and whether they have the right to force other people to refer to them as the sex they wish they were. Stonewall’s position is that it is illegitimate even to talk about this conflict of interests.

In its letter to GANHRI Stonewall argues that changing the definition of sex in the Equality Act to exclude the effect of a gender-recognition certificate is “unnecessary, unworkable and unfair”. But it gives no legal or practical reasons for saying this. Conversely, in its intervention in the Scottish Court of Session against the Section 35 Order that prevented the enactment of the Scottish Gender Recognition Reform Bill, it argued that expanding the scope of people who could get gender-recognition certificates would create no adverse impact on the

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<sup>143</sup> The government and the Joint Committee on Human Rights’ assessments of the Gender Recognition Act at the time of its passage barely considered the impact on women’s rights. See Joint Committee on Human Rights (2003). [Draft Gender Recognition Bill](#).

operation of the Equality Act for others.<sup>144</sup> These two arguments are inconsistent, but similar in that both dismiss any consideration of other people's rights.

It is not GANHRI's role to cut across the democratic and judicial processes of sovereign states to promote the particular interests of a favoured group. If amending the Equality Act is "unnecessary, unworkable and unfair", it is for Stonewall to make these arguments to the public and for the UK's parliament and courts to decide, under scrutiny by British citizens and in the face of potential challenges from them. The EHRC has done nothing wrong in contributing to this process by providing advice that is within its mandate.

In 2023 the UK government did act on concerns about the proposed law on gender self-ID in Scotland and its impact on the Equality Act and women's rights, including those raised by the EHRC, sparking the first Stonewall complaint. In December 2023 the Scottish Court of Session upheld the lawfulness of the UK government's use of its constitutional powers to block the Scottish bill, based on an assessment of the reasonableness of these concerns. Stonewall was able to intervene in court and make its arguments (including those based on Victor Madrigal-Borloz's appeal to international standards). These arguments were found to be unconvincing.<sup>145</sup>

## Not engaging in meaningful consultation?

In their complaints Stonewall and TransLucent say that they and allied organisations are unwilling to engage with the EHRC, and that the EHRC has engaged with other organisations in civil society that are concerned with other people's rights (which they brand as "trans hostile").

Being open to engagement with all parts of civil society including gender-critical groups demonstrates that the EHRC is doing its job in a robust and unbiased manner.

**This complaint is quite simply a demand that Stonewall and its allies should continue to have the undue and untransparent influence over the EHRC that it previously enjoyed.**

Stonewall claims to represent "civil society" but does not act in the manner of civil society in a free, democratic society. It is unwilling to engage in dialogue, dismisses other people's human rights and refuses to expose its arguments to debate. Instead it resorts to bullying tactics, including using official complaints processes, economic coercion, the police and the courts to silence dissent.

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<sup>144</sup> Stonewall (2023). [Written submissions for the Intervenor](#).

<sup>145</sup> [Opinion of Lady Haldane in \[2023\] CSOH 89, 8th December 2023](#).

As the FOI emails reveal, a cosy relationship used to exist between Stonewall and EHRC staff. This undermined the NHRI's independence. Stonewall was also at the same time ranking, rating, advising and disciplining the majority of the public sector and ministries of state. If this was the action of a royal family, a religion, the army or a political faction, it would be obvious that it was inimical to the independence and integrity of public servants.

## Changing position?

**There is nothing in the Paris Principles to suggest that NHRIs must not change their position on an issue after considering evidence and different viewpoints and interests.** The argument that the EHRC should be investigated for changing its position is specious.

## Internal disputes and senior staff resignations?

**Public statements by ex-staff suggest that internal tensions stemmed from the Chair and commissioners moving the organisation away from supporting partisan activism.** This is not a sign of a “toxic culture”, but of the institution battling to return to its mandate to protect everyone's rights.

Reports in *Vice News* about staff upset by the organisation's change of direction reflect this lack of commitment to impartiality. Furthermore, they are arguably harassment of Baroness Falkner.

Ex-staff members have publicly demonstrated their allegiance to Stonewall and its allies. One of the senior members of staff who left at the end of 2023 was Melanie Field. A few days after leaving to become an independent consultant she attended the TransLucent conference and posed for a picture with TransLucent activists Robin Moira White and Stephen Whittle, and ex-Stonewall CEO Nancy Kelley. Kelley tweeted “We all agree” on the interpretation of the Equality Act.<sup>146</sup>

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<sup>146</sup> Nancy Kelley (2023). [Tweet \(@Nancy\\_M\\_K\). 16th November 2023.](#)

Another senior member of staff, Grey Collier, went on to become a trustee of Mermaids and a staff member at Liberty. Collier has tweeted:

“As a former Legal Director of @EHRC I cannot agree strongly enough that it no longer meets the conditions for UN accreditation. It is not independent. It does not support human rights for everyone. And now we hear it doesn’t even understand the law it was created to uphold.”<sup>147</sup>

## Not meeting international standards?

Victor Madrigal-Borloz has claimed that enacting self-ID is an obligation under international human-rights law. This is incorrect, and we have already published a detailed analysis of why.<sup>148</sup>

In its submissions in June 2022 Stonewall argued that the Yogyakarta principles “set out an authoritative interpretation of international human rights law as it relates to protections on the basis of sexual orientation and gender identity.” The Yogyakarta Principles are a non-government document drawn up by a group of lawyers, human-rights experts and trans-rights activists, which argues for the right to have gender identity replace sex on all identity documents and in all situations.

As Reem Alsalem, the Special Rapporteur on violence against women and girls, has emphasised:

“The Yogyakarta Principles do not create binding obligations on States, nor are they a source of international human rights obligations for States, particularly since they are increasingly cited as a reason to advocate for unrestricted self-identification processes and policies of gender identity.”<sup>149</sup>

As she notes, at least one member of the body that drew up the principles has publicly withdrawn support, citing insufficient consideration of the impact on the rights of women. Robert Wintemute, professor of human-rights law at King’s College London, says:

“A key factor in my change of opinion has been listening to women.”<sup>150</sup>

<sup>147</sup> Claire (2022). ‘[EHRC Scandal – Former Legal Directors Speak Out](#)’, TransLucent.

<sup>148</sup> Sex Matters (2023). ‘[Response to Victor Madrigal-Borloz’s report on the UK](#)’, 12th May 2023.

<sup>149</sup> Reem Alsalem (2023). ‘[Statement by Ms. Reem Alsalem, Special Rapporteur on violence against women and girls](#)’.

<sup>150</sup> Julie Bindel and Melanie Newman (2021) ‘[The trans rights that trump all](#)’, *The Critic*, April 2021.

## Belief discrimination and harassment: key cases

Freedom of belief is protected under the European Convention on Human Rights Article 9. Discrimination and harassment on the basis of the holding or expression of “gender critical” beliefs (that sex is real, immutable and important) has been found to be unlawful under the Equality Act 2010. This was first established in the case of *Forstater v CGD*.

In the case of ***Allison Bailey v Garden Court Chambers***, Bailey was found to have been harassed by her chambers after she sent an email arguing that Stonewall advocated trans extremism and was “complicit in supporting a campaign of harassment” and tweeted in support of LGB Alliance. Her protected belief included not only that sex is real, immutable and important but specific beliefs on Stonewall’s campaigning on this subject: that it had been binary, absolutist and evangelical; and that it was complicit in threats against women (including threats of violence and sexual violence) becoming commonplace. Garden Court Chambers was found to have discriminated against her when it responded to a complaint from Stonewall and from activists about her expression of these beliefs by tweeting that she was “under investigation”.<sup>151</sup>

In the recent case of ***Denise 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 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”<sup>152</sup>

That harassment was sparked by discussion of the grant to the LGB Alliance, which these activist employees called an “anti-trans group”.

In the case of ***Rachel Meade v Westminster City Council and Social Work England*** the employer and regulator were both found to have discriminated when they accepted at face value accusations from activist employees that a social worker’s gender-critical speech was “transphobic”. The judgment noted:

“An 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”.<sup>153</sup>

<sup>151</sup> [Ms Allison Bailey v Stonewall Equality Ltd and others, 25th July 2022.](#)

<sup>152</sup> [Ms D Fahmy v Arts Council England, 26th June 2023.](#)

<sup>153</sup> [Meade v Westminster City Council and Social Work England, 4th January 2024.](#)

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”.

Both of the following steps by the regulator was found to be harassment of Ms Meade: subjecting her to a prolonged investigation into her beliefs and “fitness to practise” proceedings. Similarly, each of the following steps by the employer was found to be harassment of Ms Meade: subjecting her to a disciplinary process; suspending her on charges of gross misconduct; refusing to lift the suspension despite her requests for this; issuing an investigation report which was hostile in tone and content; and issuing a final written warning. Importantly, the tribunal ruled that when withdrawing the final warning, it implied continuing disapproval of her conduct and continued restraint on her freedom of expression itself constituted harassment. Merely appearing to disapprove of Ms Meade’s protected viewpoint was enough to constitute harassment.

In the case of ***Jo Phoenix v Open University*** the employment tribunal found that the Professor Phoenix was subject to harassment and discrimination because of her gender-critical beliefs when colleagues published an open letter calling for the university to remove support from the Gender Critical Research Network; smeared her by comparing her beliefs to racism and shared social media messages branding gender-critical belief as “transphobia”. The university failed to provide a suitable working environment by failing to protect Professor Phoenix from the six-month campaign of attacks on her reputation. The tribunal found that the university’s motivation for not providing protection to Professor Phoenix was “the fear of being seen to support [her] gender critical belief” and that when it made statements to address the situation they were “clearly only one way”, referencing protecting trans staff and students but without ever making explicit reference to protecting those with gender-critical beliefs.<sup>154</sup>

**The complaints against Kishwer Falkner and the EHRC are not only baseless, but are very much of a piece with these cases of harassment and discrimination against gender-critical employees.**

It certainly appears, from the accusations of transphobia and racism pursued via the media by people who were at the time EHRC employees, that unlawful harassment may have been committed against Baroness Falkner. That GANHRI has dug these accusations up again rather than defend the EHRC from reprisals is particularly concerning.

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<sup>154</sup> [Joanna Phoenix v The OpenUniversity](#) [2024] ET

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