

**Joint Committee on Human Rights  
Women and Equalities Committee  
Houses of Parliament  
London  
SW1 0AA**

**Joint Committee on Human Rights:** Lord Alton of Liverpool (Chair); Juliet Campbell MP; Rt. Hon. Lord Dholakia OBE DL; Tom Gordon MP; Baroness Kennedy of The Shaws LT KC; Afzal Khan MP; Baroness Lawrence of Clarendon OBE; Baroness Lawrence of Clarendon; Lord Murray of Blidworth; Lord Sewell of Sanderstead CBE; Alex Sobel MP; Peter Swallow MP; Rt. Hon. Sir Desmond Swayne MP.

**Women and Equalities Committee:** Sarah Owen MP (Chair); Alex Brewer MP; David Burton-Sampson MP; Rosie Duffield MP; Kirith Entwistle MP; Natalie Fleet MP; Catherine Fookes MP; Christine Jardine MP; Samantha Niblett MP; Rebecca Paul MP; Rachel Taylor MP.

**Cc:** Rt. Hon. Bridget Phillipson MP (Minister for Women and Equalities).

22nd July 2025

Dear Committee Members

Sex Matters is a human-rights charity which campaigns for clarity on sex in law and policy in the UK, to protect everyone's human rights. Sex Matters intervened in the ***FWS v Scottish Ministers*** case and was thanked by the Supreme Court for making "cogent" submissions "which gave focus and structure to the argument that 'sex', 'man' and 'woman' should be given a biological meaning" in the Equality Act 2010.

We were dismayed at the questioning of Dr Mary-Ann Stephenson during her appointment hearing for the position of chair of the Equality and Human Rights Commission,<sup>1</sup> and your decision not to endorse her appointment, but to invite the Minister for Women and Equalities to re-open the recruitment process.<sup>2</sup>

**A key part of the job of the chair is to ensure the Commission delivers on its mandate to make sure the Equality Act 2010 is understood, implemented and enforced. Dr Stephenson's answers indicated that she understood this.**

The Supreme Court's recent ruling determined that the protected characteristic of sex is, and

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<sup>1</sup> <https://committees.parliament.uk/oralevidence/16229/html/>

<sup>2</sup> <https://committees.parliament.uk/publications/48942/documents/256871/default/>

**Sex Matters is a human-rights charity promoting clarity about sex in law, policy and language**  
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always has been, defined by reproductive biology. As the Court said (at §209):

“To reach any other conclusion would turn the foundational definition of sex on its head and diminish the protection available to individuals and groups against discrimination on the grounds of sex.”

As the court emphasised, and the Joint Committee on Human Rights recognised, this “does not remove or diminish the important protections available under the Act for trans people”.<sup>3</sup> However, it makes clear that what some have assumed to be rights (such as the “right” to be treated as the opposite sex, or use opposite-sex services) were not rights, but misinterpretations of the law.<sup>4</sup>

Going beyond the law to enforce imagined rights of some groups infringes on the actual legally protected rights of others. Duty-holders and rights-holders must now reset their expectations around what “trans rights” really are.

The Equality Act also protects against belief discrimination. The Supreme Court praised the 2021 Employment Appeal Tribunal judgment that held that “**gender-critical beliefs**” (that sex is real, immutable and important) are not only in line with the law, but covered by protection against belief discrimination under section 10 of the Equality Act and article 9 of the ECHR.

**The committee’s questions relating to sex-based rights and trans rights were, but for a few exceptions, openly hostile to those who hold gender-critical beliefs, ill-informed about the law, and unsupportive of the EHRC doing its job of ensuring understanding and enforcement of the Equality Act.**

Your questions and the letter lent heavily on correspondence received from people and organisations hostile to Dr Stephenson and to the Equality Act as clarified by the Supreme Court.

These mass letters form part of a well-established pattern of attempted “cancellation”: smearing, mobbing, intimidation, discrimination, harassment, and no-platforming of gender-critical women, and those who recognise their rights. Some of the most high-profile targets have included Professor Kathleen Stock at Sussex University, Dr Hilary Cass for her evidence-based review of child gender medicine<sup>5</sup>, and JK Rowling.<sup>6</sup> Rosie Duffield MP, a member of the Women and Equalities committee, has also been targeted.<sup>7</sup> There have been hundreds of documented instances of such witch hunts<sup>8</sup> against women standing up for sex-based rights and dozens of employment claims and tribunals.<sup>9</sup>

The EHRC current chair has been targeted since the EHRC began a course correction in order to bring its approach into line with the Equality Act.<sup>10</sup>

- **In 2021 members of the LGBT Consortium** wrote an open letter condemning the EHRC

<sup>3</sup> <https://committees.parliament.uk/publications/47703/documents/249228/default/>

<sup>4</sup> We encourage you to read the analysis of this by Ben Cooper KC who represented Sex Matters in the Supreme Court <https://oldsquare.co.uk/ben-cooper-kc-analyses-the-implications-of-for-women-scotland/>

<sup>5</sup> <https://revsoc21.uk/2024/04/14/cass-review-dangerous-and-transphobic/>

<sup>6</sup> <https://www.telegraph.co.uk/news/2020/06/11/hounding-jk-rowling-shows-society-has-forgotten-think/>

<sup>7</sup> <https://www.bbc.co.uk/news/articles/cyxx243yr16o>

<sup>8</sup> Professor Alice Sullivan recently collected examples of these letters in her report on Barriers to research on sex and gender. <https://www.sullivanreview.uk/barriers.pdf>

<sup>9</sup> <https://centaur.reading.ac.uk/118472/8/Dont%20Get%20Caught%20Out%20final%20%28002%29.pdf>

<sup>10</sup> Sex Matters maintains a timeline at <https://sex-matters.org/ehrc>

intervention in the Forstater EAT case, accusing those who express gender-critical beliefs of contributing to “rising hate” and making it “harder for trans people to access their rights”.<sup>11</sup>

- **In 2022 the LGBT Foundation** said it was “severing ties” with the statutory regulator saying it believed the EHRC was “no longer fit for purpose” because it did not support legal gender self-id.<sup>12</sup>
- **A Stonewall-led coalition** reported the EHRC to the Global Alliance of National Human Rights Institutions (GANHRI) three times saying it is “no longer fit for purpose as a National Human Rights Institution”.<sup>13</sup> Following an intensive investigation<sup>14</sup> the EHRC was eventually exonerated and found to remain fully compliant with the ‘Paris Principles’ for national human-rights institutions.

The letters criticising Dr Stephenson involve the same groups and continue in the same vein:

- Leaders of organisations that are members of the **LGBT Consortium** wrote to the committee with the vague allegation that Ms Stephenson has “previously supported views seen at odds with inclusivity for all”.<sup>15</sup>
- Another petition said she had a history which “includes making anti-trans statements and associations with groups advocating for the curtailment of trans people’s human rights”.<sup>16</sup>
- **An open letter from FFLAG** raised a series of concerns that she had attended feminist conferences and that, as Director of the Women’s Budget Group, she authored its position on GRA reform which was to “allow for the continued exclusion of trans people from single-sex services and spaces” for the opposite sex.<sup>17</sup>

**These letters are clearly based on disagreement with the Equality Act and a wish for the EHRC to return to going beyond the law in advocating for the desires of transgender individuals.**

**During the meeting its members subjected Dr Stephenson to questions which, had they been asked of a candidate in a regular job interview, could have led to a successful claim of unlawful belief discrimination:**

- **In your letter the committees say “we are clear on what attributes an incoming chair of the EHRC should have”.** In their questioning committee members referred approvingly to letters they had received which advocated for discrimination against people with gender-critical beliefs.
- **Catherine Fookes MP suggested that having gender-critical beliefs might be a conflict of interest with being an EHRC commissioner.** She asked: *“How will you manage conflicts of*

<sup>11</sup> <https://www.consortium.lgbt/ehrc-open-letter/>

<sup>12</sup> [www.civilsociety.co.uk/news/lgbt-foundation-severs-ties-with-equality-and-human-rights-commission-after-it-calls-for-delays-to-gender-recognition-act-reform.html](https://www.civilsociety.co.uk/news/lgbt-foundation-severs-ties-with-equality-and-human-rights-commission-after-it-calls-for-delays-to-gender-recognition-act-reform.html)

<sup>13</sup> Sex Matters [wrote to the Joint Committee about this at the time.](#)

<sup>14</sup> <https://sex-matters.org/posts/freedom-of-speech/equality-watchdog-targeted-by-stonewall/>

<sup>15</sup> <https://www.consortium.lgbt/2025/06/06/lgbt-sector-leaders-respond-to-governments-preferred-candidate-for-ehrc-chair/>

<sup>16</sup> [https://docs.google.com/forms/d/e/1FAIpQLSe\\_Y77t7CQqKidGifNa0IE3HKjDAb1UoJdjuLAbInhIQsRMhw/closedform](https://docs.google.com/forms/d/e/1FAIpQLSe_Y77t7CQqKidGifNa0IE3HKjDAb1UoJdjuLAbInhIQsRMhw/closedform)

<sup>17</sup> <https://sex-matters.org/wp-content/uploads/2021/01/Law-Commission-Response-Sex-Matters-3-1-1.pdf>

*interest that may arise due to the beliefs of people on the board, things that people have said previously and that kind of thing?".* This question clearly relates to the letter written by members of the LGBT Consortium alleging that Dr Stephenson has "previously supported views seen at odds with inclusivity for all".

- **Peter Swallow MP suggested Dr Stephenson is someone who would engage in unlawful discrimination.** He asked: "*Would you welcome a trans commissioner being appointed?*" Any prospective chair who would not welcome a suitably qualified commissioner with any protected characteristic would clearly be unsuitable for the role. The only possible reading of this question is that it was intended to indicate that Dr Stephenson would unlawfully discriminate against transgender people.
- **Mr Swallow also asked Dr Stephenson to address a series of spurious "concerns".** The concerns were that she had signed some open letters against no-platforming and silencing of gender-critical views, had donated £25 to a legal crowdfund for a woman who had faced unlawful belief discrimination (which the claimant won) and had engaged with two gender-critical feminist organisations. Dr Stephenson patiently explained each of these perfectly ordinary, reasonable actions. But she should not have had to. It is notable that previous candidates for EHRC chair have not been asked to justify £25 donations, or attendance at conferences. Nor was Dr Stephenson asked to justify other donations she may have made or other conferences she may have attended. Again, the only possible reading of these questions is prejudice against those with gender-critical views.
- **Committee members hectoring Dr Stephenson,** calling on her repeatedly to condemn or distance herself from "people on social media suggesting that women or trans women entering toilets should be photographed or videoed". Dr Stephenson had said she had not seen that and would not comment on things she had not seen.

#### **Some of the questions were based on untrue information:**

- **Rachel Taylor MP wrongly asserted that the Supreme Court disagreed with the EHRC's interim update.** She said: "*The Supreme Court noted that the EHRC's interim guidance or statement went beyond what the law required.*" In fact the Supreme Court has made no such comment. In the transcript to the meeting a correction is marked saying that Ms Taylor was thinking about comments made by Former Supreme Court Judge Lord Sumption. Lord Sumption has not commented on the EHRC's interim update either. His only public commentary was made on Radio 4, a couple of days after the judgment, and before the interim update was published.
- **Sarah Owen MP misrepresented Baroness Falkner's contribution in a previous session.** She said the EHRC chair had "*alluded to Article 8 of the Human Rights Act not applying for trans women and them not having a right to private life*" in relation to workplace toilets. In fact Baroness Falkner had written back to the Women and Equalities Committee specifically to clarify her answer saying that the qualified rights protected by Article 8 are

engaged but not necessarily breached in situations where people are asked to declare their sex or to choose to use a unisex option.<sup>18</sup>

- **Baroness Kennedy said that there were no unisex toilets at Waterloo station** and challenged Dr Stephenson on what she would say to a trans woman who wanted to use the women's toilets there. In fact there are unisex toilets right next to both the male and female toilets at Waterloo station.

There are serious issues and challenges with addressing misunderstanding about the law, and the understandable anger and disappointment of those who have been misled (including children and vulnerable people). It is extremely disappointing that the committee asked questions which were not fact-checked.

**Several of the questions suggested that the committee members wanted the EHRC not to implement the Supreme Court's judgment:**

- **David Burton-Sampson MP seemed to suggest this part of the EHRC's role might be optional.** He asked: *"To what extent do you foresee explaining and enforcing the updated EHRC [Code of Practice for Service Providers] being the initial focus of your tenure as chair?"*. The obvious and only answer was that this will continue to be one of the areas that the EHRC works on.
- **Catherine Fookes MP suggested that the presence of people who support the Supreme Court ruling at an EHRC consultation was a problem.** *"I have heard from some of the organisations that came to the [EHRC] Q&A sessions on the draft statutory code of practice that they felt incredibly uncomfortable. The space was very dominated by those who supported the Supreme Court ruling and people felt really uncomfortable."*
- **Peter Swallow MP asked whether Dr Stephenson would "feel empowered to take a second look"** at the statutory code of practice after it was agreed by Parliament.

**The Committees' letter says that the EHRC should "advocate effectively on behalf of all protected groups, including some of the most vulnerable in society". In fact the role of the EHRC is not to be a partisan advocate for particular groups but to uphold the Equality Act 2010, which protects everyone against discrimination and harassment and is consistent with protecting human rights.**

The EHRC should engage with a wide range of interest groups, including those that are disappointed at the Supreme Court's ruling. But it cannot do its job and appease people who do not accept the definition of man and woman in law, and it should not try to.

Yours sincerely



Maya Forstater  
CEO



Helen Joyce  
Director of Advocacy



Fiona McAnena  
Director of Campaigns

<sup>18</sup> <https://committees.parliament.uk/publications/48625/documents/254825/default/>