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Karen Adam MSP, Convenor of Equalities, Human Rights and Civil Justice Committee

The Scottish Parliament

Edinburgh, EH99 1SP

Sent by email to: [ehrcj.committee@parliament.scot](mailto:ehrcj.committee@parliament.scot)

## **REPORT: THE EROSION OF TRANS RIGHTS IN THE UK**

**Dear Convenor,**

We are writing to you to share our latest report, '[The Erosion of Trans Rights in the UK](#)'. This report is a human rights analysis following the UK Supreme Court judgment in [For Women Scotland Ltd v Scottish Ministers](#) and the Equality and Human Rights Commission's [consultation](#) on an updated Code of Practice for Services, Public Functions and Associations.

Our report is intended to provide an analysis of the current state of trans people's human rights in the UK following the Supreme Court judgment. It has a particular focus on the various human rights of trans people (and sometimes other groups) that would be placed at significant risk if the EHRC's proposed Code of Practice produced following the ruling were to be made statutory. This analysis is not intended to be an exhaustive list of all possible human rights issues involved but highlights our most pressing concerns.

In our view, both the Supreme Court judgment and the EHRC's proposed Code of Practice did not properly consider the impacts of these changes for the rights of trans people in practice, particularly those included in the European Convention on Human Rights (ECHR).

This has led to various interventions from the international human rights community. The Independent Expert on Sexual Orientation and Gender Identity, alongside various other special procedures of the UN Human Rights Council including the working group on discrimination against women and girls, [warned the UK](#) that "*some have erroneously claimed it redefines sex or strips away protections for transgender people*"; that "*without corrective changes to law and policy, the current ruling could lead to... legal challenges*" and advised that "*the law must be clear, coherent, and consistent with*

*international human rights standards. We urge UK lawmakers to act decisively to reform and align the legal framework in a way that ensures dignity, equality and non-discrimination for all”.*

Most recently, the Council of Europe High Commissioner for Human Rights [raised concerns](#) about the human rights impacts for trans people following his most recent state visit to the UK. He observed “*a tendency to see the human rights of different groups as a zero-sum game, when in reality any tensions will likely be exceptional; nuanced, reasonable and balanced accommodations can be found*”, and he “*deplores that discussions tend towards the exclusion of trans people from many aspects of society, rather than ensuring that their inclusion and dignity are upheld.*” He reiterated that “*all relevant legal or policy developments must be human rights-compliant, including in view of the case law of the European Court of Human Rights and other international instruments.*”

Through our report, we seek to contribute to the ongoing discourse and ensure that trans people’s rights are properly considered, upheld and treated with dignity.

We would very much welcome the opportunity to support any work undertaken by the Committee related to the Supreme Court ruling, the proposed update to the EHRC’s Statutory Code of Practice, or trans equality and human rights more broadly going forward.

We look forward to your response.

Yours sincerely,

Dr Rebecca Don Kennedy

CEO, Equality Network

Vic Valentine

Manager, Scottish Trans