Equalities, Human Rights and Civil Justice Committee

Implementation of the EHRC revised code of practice for services, public functions and associations

Anonymous submission – 17 November 2026: Corrections to misleading evidence given on 12th November

I wanted to get in touch with the committee to ensure that these corrections are on the record when it comes to misleading evidence given during your EHRC committee meeting re: implementation of the EHRC code on 12th November.

Maya Forstater from For Women Scotland stated the following:

"I would go back as far as 1975 the Sex Discrimination Act which first brought in protection for women and girls in particular but also for men and boys it works both ways that people should not be discriminated against in the workplace in education and as users of services but that recognized that sometimes you have to provide separate or single-sex services in order to protect, in particular, the dignity, privacy and fairness to women. That got lost over recent years. I understand that this committee is looking at how people are implementing the code, but the code tells service providers how to to follow the law, and the law has been in place since 1975. In 2008, gender reassignment was added to the Sex Discrimination Act in relation to services,"

Reading the Sex Discrimination Act (1975), here are the following inaccuracies in her statement which you can confirm for yourself:

https://www.legislation.gov.uk/ukpga/1975/65/

- The 1975 legislation was not identical to today's Equality Act 2010.
- The 2008 changes extended existing gender reassignment protections; they did not introduce (add) them for the first time.
- The assertion that women's protections were subsequently lost is a matter of interpretation and she does not cite evidence of specific changes in law or practice.

Forstater then went to great length to deny that trans women are women. She states:

"I mean, we've seen unions passing motions saying that trans women are women, they're sticking with the misinterpretation or they're seeking for their union to stick with the misinterpretation of the Equality Act that existed before For Women Scotland won."

This again is false as the Equality Act 2010 clearly states and has always stated that:

"A trans person is protected from unlawful discrimination on the basis of being trans if they fall within the definition of 'gender reassignment', which is currently defined as a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."

“The characteristic of ‘gender reassignment’ does not only apply to those who have had gender affirming surgery.”

The Equality Act 2010 does not call trans women men and protects their female gender identity. Referring to trans women women is accurate, and referring to them as "gay men" is not only a "misinterpretation", but more or less a transphobic slur. Unfortunately, Smith referred to trans women as "gay men" throughout the proceedings - something that is intensely and intentionally hateful, invalidating, incorrect and demeaning.

Most notably, the GRA explicitly makes trans men men and trans women women for the purposes of the SDA:

Subsection (1) states the fundamental proposition that once a full gender recognition certificate is issued to an applicant, the person’s gender becomes for all purposes the acquired gender, so that an applicant who was born a male would, in law, become a woman for all purposes. **She would, for example, be entitled to protection as a woman under the Sex Discrimination Act 1975**; and she would be considered to be female for the purposes of section 11(c) of the Matrimonial Causes Act 1973, and so able to contract a valid marriage with a man.

· Gender Recognition Act Explanatory Notes: https://www.legislation.gov.uk/ukpga/2004/7/notes

This section was added specifically by Parliament to prevent the misunderstanding the Supreme Court made: —

To make absolutely sure that the legislation would achieve its intended effect, we recommend that it should expressly state that ‘sex’ in the Sex Discrimination Act 1975 is to be interpreted as including the acquired gender of a person who has obtained a full gender recognition certificate.

· *Joint Committee on Human Rights — Draft Gender Recognition Bill. Nineteenth Report of Session 2002-03*: https://publications.parliament.uk/pa/jt200203/jtselect/jtrights/188/188.pdf

They literally bolded it themselves, and Parliament accepted their recommendation. It's the whole reason why the rest of the Bill refers to "Gender" but Section 9 specifically refers to "Sex".

In other words? **You are being forced to choose whether to follow the Equality Act as it was written and intended or an unworkable and discriminatory code - for many orgs, this is under the direct or indirect threat of lawfare from anti-trans lobbyist groups.** You as a governmental body have the power and influence to change a narrative and right some wrongs - this code is being challenged in court already: https://goodlawproject.org/forced-to-live-my-life-in-fear-challenge-issued-against-ehrc-code/

I once again urge the committee to read the report It Happens Every Time which documents 260 instances of women and non-binary people being harassed, demeaned and assaulted attempting to access gendered spaces - often by cisgender men! - since the Code was published in April 2025: https://transactual.org.uk/wp-content/uploads/It-Happens-Every-Time-TransActual-2026.pdf