



26th April 2025

Equality & Human Rights Commission
Arndale House
The Arndale Centre
Manchester
M4 3AQ

Dear Sirs,

Draft guidance restricts freedom of assembly, self determination of LGBT groups

The draft guidance that you published late on Friday 25th April is nothing short of a grave affront to the dignity of transgender people, and a full-frontal assault on the rights of free association and self-determination for many small organisations, businesses, clubs and societies.

It appears to me that you have vastly overstepped the bounds of the Supreme Court judgement (a judgement that many legal minds believe is deeply flawed and incompatible with the European Convention).

Others, more directly affected than me, will doubtless be contacting you about the toilet rules you are suggesting, which in many cases amount to little more than a “urinary leash,” seeking to keep trans people out of public spaces.

I daresay many will also point to the way in which every mention of trans people is followed with brackets and a ‘biological’ description; to note this once or twice, in view of the Court ruling, might have been reasonable. To sprinkle it so liberally across your ‘guidance’ seems nothing less than a spiteful attempt to remind trans people of what you believe to be their new status.

However, my main concern is the section of your ‘guidance’ that purports to give information about the behaviour of clubs or associations with more than 25 members. On the face of it, what you have written says that a club for gay men should not accept trans men, and a club for lesbians should not accept trans women.

You must be aware – for if you are not, I seriously doubt your competence to assess anything in the field of equality – that in survey after survey, members of the lesbian, gay and bisexual communities are overwhelmingly supportive of trans people, and do in fact accept them as

members of their 'acquired' gender. In short, for most of our community, trans men are men, and trans women are women, regardless of the Supreme Court's narrow ruling on a particular point of interpretation.

Yet, your 'guidance' suggests that if an association – and I represent one such, with around 5,500 members around the world – is aimed at gay men, then it should not accept trans men as members, because you consider them to be women.

I have to ask, who do you think you are to make this ruling, which is absolutely contrary to the practice and feelings of many hundreds, or even thousands of lesbian or gay associations? Your chair is not a member of our community; nor, based on this outrageous suggestion, is she any friend to the community.

The suggestion that we no longer allow trans men to be members is essentially an attempt to force the T out of LGBT spaces. While there are indeed a small number of lesbian and gay people who wish to do that, they are very much in a minority, and it should not be within the remit of anyone in or associated with government to be forcing clubs, venues or societies to rewrite their policies in order to become less inclusive.

In essence, by telling us that we should not accept trans men – even though we have had a policy of doing so since 2012 – you are attempting to control our freedom of association, and this, frankly, is unconscionable; I cannot conceive of any moral authority that would allow such a thing.

If this is your intention – to shatter the bonds of friendship within established organisations, or to legally persecute them for being inclusive – perhaps you should offer guidance on how we are expected to achieve this end?

Am I to request birth certificates from over 5,000 members, with all the data protection concerns that will necessarily follow? Not to mention the difficulty, in a club where membership is managed online, of verifying that information, and confirming the 'biological sex' of people based in over fifty countries around the world.

In more enlightened countries, these records will have been amended anyway, and so won't reflect the information that you appear to believe it should; am I instead to require disclosure from trans men, thereby breaching their right to privacy, and forcibly outing them? I cannot see how this can be a reasonable consequence of the Supreme Court ruling, let alone a decent thing to do to other people.

Should I perhaps change our membership requirements to insist upon genital photographs of every applicant, regardless of the fact that sending such images may be an offence in many jurisdictions?

If we are to conduct the Inquisition – and I can think of no more apt word – that your apartheid guidelines appear to require, what are we to do with those who have paid us membership fees? Are they due a refund, ensuring that not only is our club burdened with extra admin, but also with a financial crisis? Or are they expected to accept that losing

money because of the EHRC's capricious thinking is just part of the additional cost of being transgender in an unforgiving world?

In summary, your new guidelines appear to be deliberately discriminatory to trans people, in almost every respect.

Beyond that, they also attack the right to freedom of association of countless lesbian and gay organisations, clubs and societies; they take away the right of those organisations to have inclusive membership policies, despite the very long history of such policies in the LGBT community, and effectively compel them to speak in a way that goes against their principles.

This is an attempt by people outside of an inclusive community to attack that community and demand that it excludes others, against its will.

It is shocking; it is depraved; it is immoral.

Yours faithfully,

