



# Consultation response: EHRC Code of Practice

*June 2025*

## **About Galop**

Galop is the UK's LGBT+ anti-abuse charity. We work directly with thousands of LGBT+ people who have experienced abuse and violence every year. We specialise in supporting victims and survivors of domestic abuse, sexual violence, hate crime, honour-based abuse, forced marriage, so-called conversion therapies, and other forms of interpersonal abuse. We are a service run by LGBT+ people, for LGBT+ people, and the needs of our community are at the centre of what we do.

We run four national support helplines providing short-term support for LGBT+ victims and survivors of: domestic abuse; hate crime; rape and sexual abuse; and so-called "conversion therapy", under one National Abuse & Helpline number. We also provide longer-term support to thousands of LGBT+ victims and survivors of abuse through our advocacy services. We are person-centred, empowerment-based, and trauma-informed – meaning our focus is always on helping our clients decide what is best for them and then supporting them through their journey.

We use what we learn through working on the frontlines with clients to improve outcomes for LGBT+ victims and survivors of abuse and violence through national and local policy change. We build evidence through key pieces of research around LGBT+ people's experiences of abuse and violence. We push for legislative change, improved statutory guidance for victims, and better understanding of the needs of LGBT+ people around the country.



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## **Responses**

Please see Galop's responses to the [EHRC 2025 consultation](#) on the 'Code of practice for services, public functions and associations'.

### **Final question: Do you have any other feedback about the content of the Code of Practice that you have not already mentioned?**

We are deeply concerned by the proposed changes to the EHRC Code of Practice, which may have significant implications for the ability of trans+ victims and survivors to access support services and accommodation, in a context of increased risk and abuse experienced by trans people.

Galop has seen a significant increase in trans+ and gender diverse people coming to our frontline services for hate crime support. In a single 6-month period in 2023, Galop saw a 76% increase in trans people seeking advocacy support because of hate crime. Our research also showed that trans women were nearly twice as likely to experience sexual violence than LGB+ people (2023).

Following the Supreme Court ruling, LGBT+ people are telling us they are fearful of leaving the house and especially afraid of using public toilets. We've seen instances where LGBT+ people are being challenged and verbally abused when attempting to access toilets in public spaces, such as pubs, and instances where people are experiencing online abuse and death threats. We're hearing from cisgender lesbians who have been questioned about their gender in public toilets, something happening even before the ruling. No one should have to live in fear or face abuse and violence for existing.

While we recognise many areas in need of correction in the draft Code of Practice, we would specifically welcome further clarity on the following areas, which may raise questions about how the guidance will be interpreted and applied in practice:

- The draft guidance at 13.3.19 could be interpreted as introducing potential risks for services that include trans women in their services. It would be helpful to understand how this will be understood in relation to existing non-discrimination principles including domestic and international human rights legislation.
- Paragraph 13.3.20 could be read to suggest that offering a trans-inclusive, mixed-sex service - without an additional single-sex alternative - could engage risks of either direct or indirect discrimination. This does seem to go beyond the requirements of the Supreme Court judgement in our



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opinion. Further clarification on how services can continue to be trans-inclusive would be welcomed.

- Paragraph 13.5.6 raises questions about whether it may be lawful to exclude a trans+ person from both the space aligned with their certificated sex and that aligned with their sex assigned at birth. This appears to create the possibility of individuals being denied access to both types of provision, which would benefit from further clarity.
- Paragraph 2.2.7 appears to allow for the disclosure of trans status or a Gender Recognition Certificate where there is a suspicion that someone may be trans+. It is unclear how such a provision would interact with privacy rights and data protection obligations.

## **Updated legal definition of sex (throughout the Code) - Is there anything you would change to make this update clearer?**

This section should be more explicit in explaining that this definition of sex only applies to the Equality Act 2010, and that a Gender Recognition Certificate does amend a person's legal sex in all other relevant UK legislation.

Additionally, the Code of Practice must make clear that this definition does not affect what constitutes respectful behaviour toward trans and gender non-conforming people. Galop has seen an increase in contacts from trans people who have experienced hate crime – within our advocacy services, where Galop sees the highest levels of violence, there has been an increase in trans people seek support because of hate crime (with a 76% increase in a single 6-month period in 2024). It is imperative that the EHRC enact their role to safeguard 'everyone's right to fairness, dignity and respect' by unequivocally repudiating harassment of trans people.

## **2.1: New content on Gender Recognition Certificates - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

The term 'biological sex' being used here, and throughout the Code, remains unclearly defined, including how it would account for intersex people and trans people who have altered elements of their 'biological sex' (such as secondary sex characteristics and hormones).



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## **2.2: New content on asking about sex at birth - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

This sub-section could be interpreted as allowing certain service providers to require the disclosure of trans status or a Gender Recognition Certificate. If implemented, this practice would be highly likely to lead to alarm and distress for the person questioned (whether they are indeed trans or not), discourage gender non-conforming people from approaching support services, and put people in unnecessarily dangerous situations (i.e. if a trans person were outed in an environment where people would abuse them for this reason).

It is unclear how such a provision could be congruent with privacy rights and data protection obligations in domestic and international law, and how service providers are expected to approach this in a practical and proportionate way which maintains the privacy and dignity of trans people. This would be a particular challenge for already over-stretched anti-abuse support services who often first interact with a service user when they are in a particularly vulnerable position and are unlikely to have their birth certificate in their possession.

## **2.3: New content on defining sex at birth - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

The term 'biological sex' being used here, and throughout the Code, remains unclearly defined, including how it would account for intersex people and trans people who have altered elements of their 'biological sex' (such as secondary sex characteristics and hormones).

## **2.4: Updated description of the protected characteristic of sexual orientation - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

Sub-section 2.4.6. is a particularly unhelpful point which does not add any clarity to the guidance and should be removed.



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## **13.3: New section on justification for separate and single-sex services - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

This section is unclear on how services, including those supporting LGBT+ survivors/victims of abuse, can provide a trans-inclusive service. The section appears to primarily focus on how to exclude trans people, with no guidance on how to include trans people.

Specifically, paragraph 13.3.19 risks being interpreted as introducing potential risks for services that include trans women in their provision. Paragraph 13.3.20 could be interpreted as suggesting that offering a trans-inclusive, mixed-sex service - without an additional single-sex alternative - could risk claims of either direct or indirect discrimination. When taken in concert with 13.5.4., which states that a trans person could also be lawfully denied access to a service aligning with their 'biological sex', the guidance appears to leave little to no service access for trans people. Galop has seen a particular increase in trans and non-binary people coming to us for support following abuse, so leaving trans people with no service is unacceptable. This lack of clarity on how to provide inclusive provision is particularly acute in VAWG and anti-abuse services who are unlikely to have resource to provide additional services. The Code should include examples of how a service can be trans-inclusive.

## **13.4: New content on policies and exceptions for separate and single-sex services - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

This section is particularly unclear in its approach to allowing for individual exceptions (13.4.2). The justification given in 13.4.3 that 'it is unlikely that young boys pose a threat to women's safety' would also apply to other groups with protected characteristics, including trans women.

## **13.5: Updated section on separate or single-sex services in relation to gender reassignment - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

This section is of particular concern in its suggestion that trans people who 'present' as their acquired gender could also be excluded from services aligning with their 'biological sex'. It is unclear where trans people 'presenting' as their



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acquired gender are expected to go, particularly when accessing services which tend to be single-sex (such as anti-abuse services and refuges).

The criteria for exclusion of trans people from services aligning with their 'biological sex', is particularly unclear and of concern. The guidance could be interpreted as saying that trans people should be excluded both from services aligning with their legal sex and their 'biological sex' if exclusion might 'prevent alarm or distress for other service users'. This is a concerning low threshold, both in requiring a predictive response ('preventing') and impact level ('alarm or distress').

## **13.6: Updated content on communal accommodation - Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?**

The guidance is not clear in advising providers on how they might lawfully include trans people in communal accommodation. This is particularly relevant in emergency accommodation and refuges which are likely to lack the funding and facilities to create an additional, separate offer for trans service users.