Joint statement: New UK draft Code of Practice intensifies exclusion of trans people

article, anti-gender movement, intersex, legal gender recognition

TGEU, ILGA-Europe, IGLYO, OII Europe, EL*C, Rainbow Cities Network, the European Pride Business Network and the European Forum of LGBTI+ Christian Groups are deeply alarmed by the draft Code of Practice under the UK's Equality Act 2010 that was placed before Parliament on 21 May 2026.

Following the decision of the UK Supreme Court in *For Women Scotland,* which interpreted the meaning of the term 'woman' under the UK's Equality Act, the Equality and Human Rights Commission has updated the Code of Practice for services, public functions, and associations. The Council of Europe Commissioner for Human Rights and UN human rights special procedures have previously raised concerns about the implications of the Supreme Court's decision for the rights of trans people in the UK.

This draft Code, which is likely to be finalised in its current form under the parliamentary procedure envisaged for its adoption, will result in service providers excluding trans people from using services according to their gender identity. For associations, a narrow concept under the UK's Equality Act, some routes to inclusion have been outlined. While the Code says complete exclusion from services should not occur, in practice these restrictions will mean, for example, that trans people can be stopped from using bathrooms aligned with their gender identity and, if viewed as necessary, also from using bathrooms aligned with their sex assigned at birth to prevent distress to others.

The Code will lead to cruel and inhumane assessments and outcomes not only for trans people who may be outed without their consent but also for all gender non-conforming people, including gender non-conforming women who are likely to face scrutiny over their gender expression, or intersex people, who are at risk of facing scrutiny over having a variation of sex characteristics. The draft Code states that separate-sex service providers could ask for evidence of a person's biological sex where concerns are raised based on a person's physical appearance and behaviour, potentially causing issues in terms of privacy and data protection.

Overall, implementation of this Code will result in the segregation of trans people and people whose sex characteristics do not conform to normative expectations in access to basic services such as hospitals, changing rooms, bathrooms and violence support services. It will result in the exclusion of these groups from public life, including through self-exclusion, and load the risks of inclusion/exclusion onto individuals and service providers, in addition to costing millions of pounds in compliance. All of this is acknowledged in the government's own equality impact assessment.

The UK Government has completely failed trans people, taking cover behind the Supreme Court decision, even though the drafting history of the Equality Act makes it clear that trans people were meant to be protected according to their gender identity. The UK was among the first countries to introduce legal gender recognition for trans people in 2004. However, in the last five years, trans people have been made the subject of an intense political and legal battle and scapegoated for narrow political gains, and this draft Code is part of a wider pattern of regression on the rights of LGBTI people in the UK.

This pattern includes growing restrictions on trans-specific healthcare for young people, which operate in practice as a ban for many; the hollowing out of legal gender recognition; the draft 2026 Keeping Children Safe in Education

guidance, which raises serious concerns about discriminatory and potentially unlawful practices in schools for trans and intersex students; the absence of a comprehensive law banning conversion practices and intersex genital mutilation; and the failure to meaningfully address the problem of violence against women and girls in all their diversity. Together with this new draft Code, these developments mean that the UK can no longer claim to be a leader on the rights of LGBTI people. It is no surprise that the UK has slipped from number 10 in 2021 in the ILGA-Europe Rainbow Map ranking to 22 in 2026.

This situation is completely at odds with the UK's recent claim when it took over the responsibility of organising the annual IDAHOT+ Forum Conference, the largest gathering of LGBTI activists, human rights actors, Member States, and political stakeholders in Europe, that it is committed to defending the rights of all LGBTI people.

As the host of the 2027 IDAHOT+ Forum, we demand that the UK government explain: how can trans people who participate in the Forum in 2027 feel safe in a country that has actively vilified trans people? How can any trans and intersex person travelling to the UK feel secure that they will be treated with respect and dignity while using services? How can broader LGBTI communities trust that the UK government will not sacrifice their rights at the altar of electoral politics?

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