



UK Mission
Geneva

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Note Verbale No. 105

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication OL GBR 14/2022, further to the letter dated 18 November 2022 from Special Rapporteur on violence against women and girls, its causes and consequences.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 21 April 2023.

Special Procedures Branch
Office of the High Commissioner for Human Rights



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United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communication OL GBR 14/2022 of 18 November 2022 from the Special Rapporteur on violence against women and girls, its causes and consequences.

Thank you for your letter of 18 November 2022 regarding aspects of the Gender Recognition Reform (Scotland) Bill. We apologise for the delay in responding while we considered the UK Government approach to the Bill.

As you know, we welcomed your contribution on this complex and important issue, and we agree that it is vital that we do not lose sight of risks to women when considering questions of gender recognition.

The UK is a proud champion of human rights and equality for all people around the world. We are committed to working with our international partners to ensure that no-one, irrespective of sex, sexual orientation or gender identity, faces violence or discrimination.

Our International Development Strategy aims to “End Violence, driving international action to end all forms of gender-based violence” by driving “a new global consensus on ending violence against women and girls, and lead[ing] globally on women, peace and security”.

Tackling gender disparities and standing up for the rights of women and girls around the world is a core part of the UK Government’s mission. We are committed to protecting and promoting women’s and girls’ rights and freedoms, focusing in particular on those most at risk, including adolescent girls, women and girls with disabilities and LGBT people.

The UK is committed to supporting women and girls in taking charge of their own bodies, lives and futures. Their right to live free from violence and discrimination, and their choice in whether to get married, start a family and have a career are fundamental to creating equal and empowered societies and must be upheld.

You will have seen the Scottish Government’s letter to the EHRCJ committee of the Scottish Parliament¹ setting out the SG’s position on the questions you raised about the Gender Recognition Reform (Scotland) Bill, and as you are aware the Bill was passed by the Scottish Parliament on 22 December. Following this we gave careful consideration to its

¹ <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-equalities-human-rights-and-civil-justice-committee/correspondence/2022/un-sr-letter>

potential impact on reserved matters i.e. matters that have not been devolved to the Devolved Governments of Scotland, Wales and Northern Ireland. In light of adverse impacts identified, the UK Government decided to prevent the Bill from being submitted for Royal Assent.

The impacts that were identified include adverse effects on the operation of the Equality Act 2010, reserved legislation which protects everyone in Great Britain from discrimination, harassment and victimisation. The details of these impacts are set out in full in the Statement of Reasons.²

The Scottish Government is pursuing a judicial review challenging the UK Government's decision to prevent the Bill from being submitted for Royal Assent. The UK Government's clear view remains that this intervention was necessary due to the adverse effects the Bill would have on the operation of reserved law.

Transgender people deserve respect, support and understanding. The decision to prevent the Bill from proceeding to Royal Assent is about the legislation's consequences for the operation of equalities protections across Great Britain and for other reserved matters.

On other issues raised in your letter the UK Government believes strongly that it is important that the principle of being able to operate spaces reserved for women and girls are maintained, which is the effect of the relevant exceptions in the Equality Act 2010. The UK Government is committed to tackling harassment and abusive behaviours by all individuals, and ensuring single-sex spaces are safe for those using them. You may have seen that the Equality and Human Rights Commission has recently provided advice on the interaction between different protections in the Equality Act 2010. We are considering next steps.

The UK Government believes in the principle of individual liberty and in the humanity and dignity of every person. There are processes in place, with the right checks and balances, to allow for those who wish to change their legal sex to do so. We listened to the responses in the 2018 Gender Recognition Act consultation and have taken steps to modernise the way that individuals can apply for a Gender Recognition Certificate as a result, reducing the cost and moving the process online.

The UK is committed to upholding our international human rights obligations, and will continue to ensure that all legislation is implemented in a manner consistent with those obligations.

² <https://www.gov.uk/government/publications/statement-of-reasons-related-to-the-use-of-section-35-of-the-scotland-act-1998>