

UNIVERSAL PERIODIC REVIEW: STONEWALL RECOMMENDATIONS FOR THE UK

Third Cycle: 27th Session (1 – 12 May 2017)

Stonewall

1. Stonewall is a British based charity that campaigns for lesbian, gay, bisexual and trans (LGBT) equality in Britain and, since 2012, internationally.
2. This paper sets out some of Stonewall's recommendations for states to consider making to the United Kingdom (UK) during its review at the 27th session of the United Nation's Universal Periodic Review (UPR). It provides a brief overview of the current LGBT human rights situation in-country and an overview of the second cycle UPR Working Group Report from an LGBT equality perspective.
3. In addition to this paper, Stonewall contributed to the third cycle joint civil society report on the UK,¹ coordinated by the British Institute for Human Rights.

Third Cycle UPR Recommendations

4. Stonewall believes states should prioritise the following recommendation regarding LGBT rights in the UK at the upcoming 27th UPR session:
 - Reform the Equality Act to protect all trans people, changing the protected characteristic from 'gender reassignment' to 'gender identity' and removing the terms 'gender reassignment' and 'transsexual'.
5. States could also consider recommending that the UK:
 - Reform the Gender Recognition Act to meet global best standards, ensuring the removal of the requirement to provide medical evidence for legal gender recognition and the inclusion of non-binary persons.

Current Situation

6. Although much progress has been made in terms of sexual orientation, legislation for trans people is outdated. The Gender Recognition Act 2004 – which falls short of best practice and international progress, denying trans people the ability to determine their own gender – is in urgent need of reform. The process for legal gender recognition is deeply medicalised, intrusive and demeaning, requiring trans people to acquire a diagnosis of gender dysphoria, live in an 'acquired gender' for a minimum of two years and submit evidence supporting of this. In addition, there is currently no provision for the recognition of non-binary identities in the Gender Recognition Act, or anyone under 18 years of age.
7. Under the Equality Act 2010, the use of 'gender reassignment' as a protected characteristic and the use of the word 'transsexual' in the Act and explanatory notes makes it very unclear which trans people are covered by the Act, and which are not, and could be interpreted very narrowly, limiting the scope of who is protected.

¹ British Institute of Human Rights (September 2016), 'Joint Civil Society Report to the United Nations Universal Periodic Review of the United Kingdom (3rd Cycle)' <https://www.bihr.org.uk/news/hrcheckreportnews>

2012 Universal Periodic Review

8. No recommendations relating to sexual orientation and/or gender identity were made to the UK during its 2012 review.