

JEREMY QUIN MP
Member of Parliament for Horsham



HOUSE OF COMMONS
LONDON SW1A 0AA

6th September 2016

Dear Constituent,

RE: PROTECTION OF INTERSEX PEOPLE

Thank you for contacting me about protections for intersex people and for bringing this matter to my attention. This Government is committed to ensuring that no one faces or suffers discrimination because of who they are.

I understand that, while there is no explicit reference to protection of intersex people in the Equality Act 2010, the direct discrimination provisions contained in the Act already offer protection to intersex people. This is because the Act protects people if they are discriminated against because they have been incorrectly perceived as having one of the protected characteristics covered by the Act, even if they do not.

The protected characteristics in the Equality Act 2010 were determined following exhaustive public consultation and were debated extensively during the passage of the legislation through Parliament. I am informed that the Government has not seen evidence of any particular disadvantage or discrimination that warrants explicit protection for intersex people in the Equality Act, and the few examples that were identified are covered by the perception discrimination protections in the Act. For example, there is existing protection where service providers treat an intersex person less favourably than another person because they incorrectly perceive them to be male or female, or incorrectly believe them to be transsexual. Of course, this does not mean that the Government sees being intersex as the same as being transsexual - these are clearly two distinct and different situations - but the protections none the less apply.

The Equality Act 2010 aims to tackle discrimination where there is evidence that it occurs and where legislation is considered to be a proportionate response to that problem. In order to show that an intersex person has been directly discriminated against, one must compare what has happened to that person to the treatment of a person without an intersex condition and what they are receiving or would receive.

I understand that there are no current plans to form a consultative committee on intersex but I know that the Government is keen to ensure the Equality Act 2010 works well and provides the protections it should.

If there are any examples where you feel that intersex people may suffer detriment from which the Act does not protect them, please do let me know and I will pass this on to the Government Equalities Office.

Decisions on medical interventions for intersex children are taken by clinicians in consultation with the parents of the child and, where possible and if the child is older, seeking the views of the child themselves. As such, this is a matter for NHS England.

Thank you again for taking the time to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Quin'.