

Responding to the Welsh Government's LGBTQ+ Action Plan

HOW TO RESPOND TO THE CONSULTATION

The consultation documents, including the draft action plan, are available at <https://gov.wales/lgbtq-action-plan>

The same webpage has a downloadable response form. When you have completed it, you can send it

by email to LGBTQ+ActionPlan@gov.wales or by post to The Equality Team, Welsh Government, Cathays Park, Cardiff, CF10 3NQ

Alternatively, you can respond online at <https://gov.wales/node/40753/respond-online>

The consultation closes on Friday 22 October.

ANSWERING THE KEY QUESTIONS

You do not have to answer every question. The most relevant are **2** and **3**. Some points to inform your response are given below, but you are much more likely to be effective if you use your own words.

QUESTIONS

Q2. Do you agree with the overarching aims? What would you add or take away in relation the overarching aims?

The action plan sets out overarching aims in the form of general action points. The most relevant of these is action point 4:

"4. We will help to challenge heteronormative and cisnormative assumptions and will require public bodies to appropriately identify and record LGBTQ+ identities at the point of access. The needs of LGBTQ+ communities will be made visible in service design and population-level analysis; and we will encourage service design to be co-produced."

Suggested themes for your response:

- Say that you disagree with action point 4.

- Adopting the term "cisnormative" suggests the Welsh Government has already taken sides in the contentious transgender debate. No attempt has been made to justify the Government taking that position.
- Activist groups are entitled to campaign and lobby for their viewpoints and interests. While the Welsh Government can listen to their concerns, it is not appropriate for ministers to be co-opted to their campaign. The Welsh Government should sit above the concerns of different groups, listening to their concerns but responding in a measured and balanced manner. It has a responsibility to govern in the interests of all its citizens, without showing partiality.

Q3. Do you agree with the proposed actions? What would you add or take away in relation the actions?

The action plan has a series of different headings under which specific action points are set out. We have quoted the most relevant of these below, and made suggestions for how you could respond. You do not have to comment on all the action points mentioned below. Please clearly state in your response which action points you are disagreeing with and use your own words in your comments.

"10. Use all available powers to ban all aspects of LGBTQ+ conversion therapy and seek the devolution of any necessary additional powers."

- Conversion therapy is not defined in the action plan. What does the Welsh Government mean by it?

- As Christians, we condemn abuse of every kind and believe everyone should be protected from it. But some activists are openly calling for the ban to include praying with people who ask for prayer about sexuality. This could make ordinary church activity illegal. But praying with friends is not therapy. And it certainly doesn't deserve to be criminalised.
- Leading activist Jayne Ozanne has said that even "gentle non-coercive prayer" should be included within the scope of a conversion therapy ban. This is unreasonable and repressive. The Welsh Government must make clear it does not agree with this.
- Activists want a conversion therapy law to impose LGBT theology on churches. The criminal law shouldn't be used to settle a theological dispute.
- The Australian state of Victoria has a conversion therapy ban which criminalises churches that pray or give pastoral advice which is not LGBT-affirming when dealing with those issues. Wales must not go down the same route.
- The Equality Impact Assessment openly admits: "A proposal within the draft plan to ban conversion therapy practices may restrict religious freedoms and place faith leaders at risk of prosecution." A catch-all conversion therapy law could turn church ministers into criminals for teaching about celibacy or the Christian view of marriage. The words of activists themselves make it clear this is what they want. But this would be a serious breach of human rights and open to legal challenge.

"15. Work with the tech companies and media platforms to tackle hate crime and misinformation."

- Who will decide what is misinformation and what is not? Will it be the Welsh Government's 'Independent Expert Panel' of LGBT activists and allies, or a group appointed by them? If so, any views which run contrary to the 'expert group' could be regarded as misinformation and censored on social media. This would be a deeply troubling development, privileging the viewpoint of the panel over others. It is essential for society that issues can be openly and rationally debated, including on social media.

"27. Examine how we can provide support to faith groups to create open and accessible environments for LGBTQ+ people, and to promote inter-community dialogue."

- Churches are already open and accessible environments for everyone. This action point must not be confused with telling religious groups what to believe and teach or how they should organise themselves. These are fundamental civil liberties protected by human rights law.

"43. Commit to review the Gender Identity pathway for children and young people in Wales following the review in NHS England."

- There must be a strong emphasis on protecting children from making irreversible decisions that they are not equipped for. Many detransitioners deeply regret the permanent changes made to their bodies when they were too young to fully understand the consequences of their choice.

"47. Provide strategic, comprehensive investment in professional learning and training on designing a fully LGBTQ+ inclusive curriculum. This should include delivering LGBTQ+ inclusive RSE for all."

- Education must be objective, critical and pluralistic, not promoting the views of some at the expense of others. It is the job of schools to educate, not indoctrinate, and parents have the right to have their children educated in accordance with their beliefs.

"55. Provide a resource detailing employment protections as well as employer responsibilities for upholding the rights of trans staff working in the private sector."

- Trans rights in the workplace must be considered alongside the rights of other workers and proper accommodation of the rights of all made to avoid any conflicts of rights. Pitting one group's rights against another's is bad practice, corrosive of social cohesion and risks breaching the law.
- It is much more helpful for employers to consider trans workers' rights alongside the rights of other workers, following guidance such as the Equality and Human Rights Commission's Code of Practice, so that the rights of all workers are considered together and on an equal basis.
- Employment advice that focuses on one group, especially if authored by those who campaign for the rights of that group, could mislead employers into unlawfully discriminating against others. The University of Essex was warned by a barrister that its trans policy, drafted using Stonewall's advice, was misleading because it was based on a flawed understanding of the law.