



Welsh Government LGBTQ+ Action Plan Consultation Response submitted on behalf of Merched Cymru

Question 1

Do you think the Action Plan will increase equality for LGBTQ+ people and what do you think the priorities should be?

No. The Plan draws on too narrow a range of perspectives and the research base is very limited. There is no recognition that the 'LGBTQ+ community' comprises very diverse groups with varying interests and priorities.

This is likely a reflection of the composition of the 'expert panel', which, according to Freedom of Information requests, appears to have been made up of self-selecting volunteers, heavily slanted towards trans and non-binary perspectives and which does not appear to have been established in line with Nolan compliant processes.

The Plan views LGBTQ+ rights entirely through the prism of queer theory influenced gender identity ideology. In so doing, it effectively undermines the reality of sex and, in turn, same sex attraction, which is damaging to lesbians, bisexuals and gay men.

Question 2

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

LGBTQ+ people have the same human rights and legal protection from discrimination by the public sector and in the provision of goods and services as everyone else in the country.

It is not clear what additional rights are required or proposed for trans and non-binary people. If this is a nod towards introducing self-ID, then the Welsh Government needs to make this very clear. Merched Cymru does not believe that self-ID is a human right - we argue that it would have an adverse effect on the rights of women and girls, so reducing equality overall.

Improving data collection relies on accurate, consistent definitions, which are conspicuously lacking in this plan. We also question the stated aim of collecting data specifically to '*...identify the discrimination and wellbeing disparities experienced by our LGBTQ+ communities*'. What data would be collected, by whom, and how will the Welsh Government guarantee that it is impartial and robust?

The use of misleading, unreliable research to support policy and campaign aims has been too common among some organisations in recent years (a notable example relates to the supposed risk of suicide and self harm among trans identifying young people - [Transgender Trend](#) has analysed the misuse of research in this instance).

It is vital that the Welsh Government does not leave itself open to perceptions that it is looking for evidence to support predetermined policy directions.

Formalising the 'Independent Expert Panel' would have to include a commitment to expanding membership to include a genuine diversity of views and beliefs. 'LGBTQ+' people are not a homogenous mass and actual and perceived conflicts of rights, both within the various LGBTQ+ communities and with other protected characteristics, need to be acknowledged and addressed respectfully.

There should also be complete transparency in the recruitment and appointment of panel members.

Question 3

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

The Action Plan contains 58 separate actions of varying degrees of specificity and ambition. To ask respondents to cover them all in one question is unhelpful.

We are therefore focusing on recommendations with direct relevance to the rights and protections of women and girls. We have consulted with members of LGBA Cymru to ensure that the views of our lesbian and bisexual members are fully represented in their response to this consultation.

HUMAN RIGHTS AND RECOGNITION

- **Seek to devolve powers in relation to Gender Recognition and support our Trans community**

We strongly oppose this recommendation as it would inevitably means the introduction of self-ID in Wales, which would have a devastating impact women's rights, single sex protections, and our very ability to define ourselves as a political class.

Women face systemic discrimination because of our sex, not because of a subjective sense of gender identity.

We completely support the rights of trans people to live their lives free from discrimination or harassment and their rights as a group are rightly protected under law. We categorically reject, however, any attempt to erase the distinction between the material reality of sex and the subjective belief of gender identity.

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

There are two issues in this recommendation.

Conversion therapy that seeks to change people's natural sexual orientation is abhorrent and unethical and we strongly support efforts to ensure that it is eradicated.

The use of the term 'conversion therapy' in relation to gender identity, however, is not strictly accurate. In this context, 'conversion therapy' could mean any therapeutic approach other than an 'affirmation-only' model.

This would leave therapists with no option but to agree with a patient that they are really the opposite sex and prevent any further exploration of their feelings or any underlying issues or conditions that might contribute to dysphoria or identifying with the opposite sex.

This is a particular risk for children and young people, who might then be put on a medical pathway to transition with serious consequences for their health, which they might later regret.

Our [position paper](#) on this subject has further information and links to relevant research.

We would also point you to the following resources highlighting the concerns of medical and psychiatric professionals in other countries and the move towards therapy over medical treatment for dysphoric children and young people.

Australia and New Zealand

https://www.medscape.com/viewarticle/960390?src=soc_tw_share

Finland

<https://segm.org/>

[Finland deviates from WPATH prioritizing psychotherapy no surgery for minors](#)

France

https://www.lexpress.fr/actualite/idees-et-debats/changement-de-sexe-chez-les-enfants-nous-ne-pouvons-plus-nous-taire-face-a-une-grave-derive_2158725.html

Sweden

https://segm.org/Sweden_ends_use_of_Dutch_protocol

ENSURING LGBTQ+ PEOPLE'S SAFETY

- **Specifically target violence against women, domestic abuse and sexual violence (VAWDASV) in the LGBTQ+ community - to better understand the reasons for historically low reporting from the community, ensuring all literature, messaging and awareness raising initiatives are inclusive, and where necessary specific to the LGBTQ+ community. Data collection from VAWDASV service providers, along with professional and public services, including police data should capture LGBTQ+ reporting, referrals, incidences etc.**

Again, we reiterate that the 'LGBTQ+ community' is not homogenous. Male and female experiences of domestic abuse and sexual violence are different, as are the experiences between lesbian couples and gay couples.

Bisexual women are disproportionately affected by domestic violence at the hands of male partners - over their lifetimes, 61% of bisexual women reported being raped, assaulted or stalked by an intimate partner, compared to 44% of lesbian women and 35% of heterosexual women.

<https://genderpolicyreport.umn.edu/bisexual-women-and-intimate-partner-violence/>

The Welsh Government cannot address this issue without clearly defining the different groups, collecting accurate data, identifying specific needs and risks, and ensuring that the right type of support services are available for each group.

This includes the provision of single sex spaces for women. We support the development of specialist services for trans and non-binary people but the inclusion of male people in women's refuges is not acceptable, regardless of how those male people identify.

HOME & COMMUNITIES

Participation - Culture & Sport

- **Work with Sport Wales and national governing bodies to address the findings of the review of Transgender Inclusion in Domestic Sport.**

If '*address the findings of the review*' means to find ways to increase trans and non-binary participation in sport while respecting the separation of women's sports on the basis of sex, then we are supportive. The benefits of sport and exercise for people's physical and mental health and wellbeing are well documented and there should be opportunities for everyone to participate safely and fairly.

If, however, this recommendation means challenging the findings so that male people who identify as women can force their way into women's sports then we strongly disagree and urge that this recommendation is dropped. The review was rigorously researched and evidenced and it is clear that inclusion of trans identifying males in women's sports carries unacceptable risks to women's safety and is inherently unfair competitively.

IMPROVING HEALTH OUTCOMES

- **Continue to ensure that maternity and fertility services are accessible and straightforward to use for LGBTQ+ people.**

We support accessible, sensitive and appropriate maternity and fertility services for everyone who needs them.

We strongly oppose any moves to remove sex-specific language from health messaging relating to women.

The inclusion of language relating to trans-identifying women should be in addition to, not in place of, language that includes the overwhelming majority of women.

- **Commit to review the Gender Identity pathway for children and young people in Wales following the review in NHS England.**
- **Continue to develop the Wales Gender Service with GPs able to initiate hormone therapy as part of the adult pathway**
- **Work with the Wales Gender Service to address public perception that there is disparity of access to gender identity services for non-binary people.**

We refer you to the detailed responses to these actions provided by LGB Alliance Cymru, with which Merched Cymru is in agreement.

EDUCATION

- **The Welsh Government should 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.**

We direct you to [our response to the RSE Guidance and Code consultation](#) which covers our view on inclusive RSE content, resources and professional training.

WORKPLACE

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

Who will develop this resource? Who will ensure that it is legally accurate? Will this resource also be clear about employers' rights regarding single sex exemptions under the Equality Act?

We have serious concerns about this recommendation given the involvement of Stonewall in the research and development of this Action Plan, its close links with the Welsh Government and influence over internal policies, and its widely publicised misrepresentation of the Equality Act to further its campaign objectives.

Question 4

What are the key challenges that could stop the aims and actions being achieved?

Many of the actions are vague and/or unmeasurable, so in a sense they are their own key challenges.

Aside from this, a major challenge is that this plan is seeking to address the needs of people belonging to two separate demographics – lesbian, gay and bisexual people and people who feel that they have a gender identity that differs from their sex. The two have been bolted together only in recent years but their needs are different and their rights are potentially in conflict in some areas.

Other challenges include:

- The lack of any indication of how these recommendations could be implemented
- The lack of transparency and subsequent perception of cronyism in the establishment and constitution of the expert panel
- The lack of consistent, meaningful definitions of key terms
- The reliance on limited and flimsy research, largely conducted by an organisation that has been exposed as misrepresenting the law to further its campaigning aims
- The exclusion from the reference group and expert panel of any groups or individuals that question gender identity ideology

Question 5

What resources (this could include funding, staff time, training, access to support or advocacy services among other things) do you think will be necessary in achieving the aims and actions outlined?

There are 58 actions of varying specificity and ambition. This question is impossible to answer meaningfully.

Question 6

Do you feel the LGBTQ+ Action Plan adequately covers the intersection of LGBTQ+ with other protected characteristics, such as race, religion or belief, disability, age, sex, and marriage and civil partnership? If not, how can we improve this?

We acknowledge the reference to the correct protected characteristic of 'sex' in this question. It is a clarity that is unfortunately lacking throughout the draft Action Plan and indeed through much of the Welsh Government's recent work overall.

We do not believe the Action Plan comes anywhere close to covering how LGBTQ+ 'intersects' with other protected characteristics. It does not even acknowledge the different experiences, needs and potential conflicts **within** the grouping of 'LGBTQ+'. It is not possible to improve what doesn't exist.

Question 7

We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Welsh is a gendered language. The mangling of English necessary to accommodate gender ideology will only be magnified in Welsh, with negative impacts both on first language Welsh speaker and learners.

Question 8

Please also explain how you believe the proposed policy approach could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on

treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 9

This plan has been developed in co-construction, and discussions around language and identity have shown that the acronym LGBTQ+ should be used. This stands for lesbian, gay, bisexual, transgender and queer/questioning people, with the + representing other sexual identities. As a result we refer to LGBTQ+ people in the Plan.

What are your views on this term and is there an alternative you would prefer? Welsh speakers may wish to consider suitable terminology in both languages.

We strongly disagree with the use of the term 'LGBTQ+'.

'Queer' is a word that is deeply offensive and hurtful to many lesbians and gay men, particularly those who are older. It was term of vicious abuse and othering that rightfully fell out of use as social and public acceptance of lesbians and gay men increased.

For a younger generation, many of whom by the usual definitions of 'sexual orientation' are not even gay or lesbian, to 'reclaim' a word that they have never had used as a slur against them is insulting.

The definition of 'queer' offered in the glossary is vague to the point of meaninglessness. How can you protect the rights of a group of people you cannot even define? In short, 'queer' is a word that has no place in official Government or legal terminology.

With regards to the '+', it is bizarre to seek to include 'other sexual identities' without apparently the faintest idea of what these might be. 'LGB' refers to sexual **orientation**, an intrinsic, verifiable aspect of a person. What is a 'sexual identity', how is it oppressed and in need of legal protection?

Question 10

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Merched Cymru believes that this draft plan is not fit for purpose and should be withdrawn.

Despite the Welsh Government's assurance that it '*...worked collaboratively with a wide range of representatives from LGBTQ+ communities to inform the development of this draft Action Plan*', the only perspective evident is that of those who accept the entirely subjective, widely contested concept of 'gender identity' as a fact.

We would like to see a new plan developed that takes into account a true diversity of voices and experiences among lesbians, gay men, bisexual people and trans identifying people, including those with a 'gender critical' perspective. A plan, moreover, that makes clear the areas that LGB and TQ+ people have in common with the wider population and seeks to make connections across other protected characteristics rather than jostling for primacy.

LGB Alliance Cymru and Merched Cymru have made repeated attempts to speak to Welsh Government and we were clear that we were willing to engage constructively with the process of developing this plan. Our approaches were ignored.

The extent of Stonewall's policy capture of the Welsh Government has been evident throughout the development of this plan. Stonewall was commissioned to carry out the research on which the recommendations were based and Stonewall representatives sat on the expert panel.

In addition, the Welsh Government is a Stonewall Champion, paying annual fees and carrying out extensive monitoring exercises and implementing internal policy changes to maintain its ranking on Stonewall's Equality Index. It is surprising that the Welsh Government could not see the potential conflicts of interest here.

We would like to note that we are in regular communication with LGB Alliance Cymru and have supported them in developing their very detailed response to this consultation.

Their view as an alliance of lesbians, gay men and bisexual people who reject the gender identity ideology pushed so aggressively by Stonewall and its allies, deserves equal consideration.

We hope the Welsh Government is not so beholden to Stonewall that it will ignore the voices of LGB people who feel that they are no longer represented by that organisation.