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cc: First Minister, Minister for Social Justice and Deputy Minister for Social Justice

Dear Welsh Government,

This is our response to the 'LGBTQ+' Action Plan published this summer.

This Action Plan is fundamentally flawed. We strongly advise you to withdraw it completely and start again, this time with honest, transparent and genuinely inclusive consultation.

Nonetheless, we have taken the trouble to provide this comprehensive analysis. We have found many allies and supporters across Wales who are extremely concerned about the loss of safe spaces, a robust political voice and basic respect. We are grateful to many who have contributed expertise and time to enable this full submission.

The Lesbian, Gay and Bisexual Alliance Cymru was formed in 2020 to create a strong, community-based voice for people in Wales who are same-sex attracted. We have represented the concerns of our members since we began, writing to Ministers and seeking meetings on health, education, sport, freedom of speech and assembly, and representation amongst other issues. Our letters have been evidenced and respectful. We have been dismayed at the lack of respect or even basic courtesy in many of the replies we have received.

On the Action Plan, we have worked closely with Merched Cymru, a grassroots organisation of women in Wales, formed to promote the sex-based rights of women. With them we organised a successful rally outside Senedd on 14 September 2021, and ran a webinar on 2 October with a range of expert speakers. Merched Cymru have also provided the principal platform for our comments and suggestions during the consultation period. We urge Ministers and civil servants to view the films of those events on the organisation's You Tube channel (https://www.youtube.com/channel/UCO9Z4gOKPP6_NJKsvGbxFrg) and the material on their website.

Several times, LGBAC has volunteered to be involved in the preparation of this Action Plan. We have been consistently rebuffed and allowed only to participate in this consultation. We believe that the draft Action Plan would be stronger, more deliverable and more representative had we been involved at an earlier stage. Given our previous exclusion, we make no apology for the length and detail of our comments now.

In the months since you announced the project in August 2020, public debate and case law have shifted considerably. We very much hope that in the light of our concerns, our willingness to volunteer time and effort on this matter and the changing context that you will now meet with us, listen to our representations and respect the concerns of our members.

We have presented our response in four sections:

1. Summary of our key concerns
2. Responses to the specific recommendations
3. Our replies to the 10 questions in the consultation template
4. Our views on the process of preparing the plan, including comments on the consultation processes and the equality impact assessment.

We reiterate our view that Welsh Government should withdraw this plan, rethink its approach to matters of gender reassignment, sex and sexual orientation and start again.

We very much look forward to honest and rigorous debate on these topics in the near future.

Yours in solidarity,

Lesbian, Gay & Bisexual Alliance Cymru

1. *Summary of our key concerns*

This plan:

- **denies the reality of sex;**
- **contains no usable definitions;**
- **lacks substantive evidence;**
- **completely fails to recognise diversity of experience or opinion within the relevant communities; and**
- **has no proposals for workable implementation**

In addition to our detailed responses to recommendations and process below, we wish to highlight the following points:

Overarching ideology

- We welcome the stated commitment to safeguarding everyone's human rights; however, safeguarding the rights and safety of women and children are barely mentioned in the Plan. Rights to free speech and free assembly for same sex attracted people have been severely undermined in recent years, but this is unrecognised;
- 'LGBTQ+' is an unmanageable basis for policy: Improving the life outcomes of such a bulging, undefined basket of individual identities cannot be measured and monitored in any meaningful way;
- We do not agree with the Welsh Government's contention (reported in the press although not explicit in this plan¹) that 'gender identity' and 'gender presentation' are properly used 'to cover the Equality Act protected characteristic of 'gender reassignment'. Wherever possible throughout this response we have sought to use the current legal terminology as the EHRC has said clearly that the term gender identity does not accurately reflect the Act;
- Separate sexuality from sex and both from gender: have a plan for trans people (including non-binary and 'queer' if required). Have a separate plan around sexual orientation (LGB) people, and properly assess issues of sex (not gender) in policy making;
- Q+ means nothing: does the plan mean that 'other sexual identities' are other orientations (covered by that characteristic) or are they 'gender identifications' adopted by people who are still, immutably male or female? It is their sex which matters in sport, health, data etc;
- Self-identification (selfID) of legal sex cannot be achieved within devolved powers, so we question its priority. There are other non-devolved issues which are arguably more pressing, such as female genital mutilation or asylum rights, which are often brushed aside by Welsh Government;
- Throughout this debate anyone questioning gender ideology has been abused and ignored. Welsh Government must recognise the differences of opinion, the emerging evidence of harms to women, girls and boys, and to same sex attracted people, and the importance of free speech;
- We are opposed to the damaging impacts of unquestioning affirmation. We call for a formal, multi-disciplinary enquiry into the rapid rise of young people, especially girls, unhappy to grow into adulthood as their birth sex, quite possibly as lesbian or gay.

Language

- **'Queer' is a deeply offensive term;** it has no acceptable role in government policy documents;
- Stop conflating sex and gender – they are not the same;

¹ <https://www.bbc.com/news/uk-wales-58913311.amp>

- The use of the acronym 'LGBTQ+' makes the entire document, and the (limited) research on which it is based, entirely opaque – there is not one community. Stop forced teaming;
- Many onlookers, including clinicians, teachers, social workers & other professionals, report extreme confusion over what language is supposed to mean. They are concerned both for people in their care and their own responsibilities when professional bodies adopt such terms;
- The plan and the report of the 'Expert Panel' use contested, ill-defined or undefined language which often has no basis in reality or law – this plan is ideological, based on a set of beliefs shared only by a small minority;
- The Glossary (page 44 of the Expert Panel Report, used without definition in the Action Plan) is seriously problematic:

Examples:

- 'Trans is used as an umbrella term to refer to people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.' *Sex is not 'assigned at birth'. We are all born male or female – including people with DSDs (disorders of sexual development). Sex is binary and immutable;*
- 'Lesbian: Refers to a woman who has a romantic and/or sexual orientation towards women. Some non-binary people may also identify with this term.' *People who identify as non-binary are either male or female. If the former they are not lesbians. Their claim on this 'identity' is unacceptable. That it should be used by Welsh Government in a policy context is inexcusable;*
- 'Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. Although some LGBTQ+ people view the word as a slur, reflecting its historic use as an insult, it was reclaimed in the late 1980s by the queer community who have embraced it.' *The antipathy of many LGB people to this term is widespread and deep-rooted. It is offensive to many and its use in a formal government document is unacceptable;*
- Even within the documentation, Welsh Government itself appears confused about what 'T' and 'Q' might mean. For example, compared to the above, the Easy Read version uses this definition: *'Transgender people are people who are born as one sex but are the other sex. For example, a person who looks like a man on the outside may be a woman on the inside.'*

These failures in clarity and precision will lead to bad law – undefined or poorly understood terms make for unenforceable or misinterpreted legislation, and it is impossible to monitor the impact when there are no clear parameters.

Welsh language:

- Gender ideology is imposing an English-biased approach on Welsh, which is (like other Celtic languages) gendered: this is a form of linguistic imperialism;
- Translations are (as a result of that difference) not always equivalent between the two languages, eg on the updated 'hate crime warning' (20 August 2021 update);
- No evidence is provided of Welsh-language specific consultation during the preparation of the Plan.
- Given the May 2020 approach on preserving the structures of Cymraeg, but the determination to impose ideological 'gender-neutral' language in English, we ask why English language speakers are being treated differently, and disadvantageously in being coerced into language with which they disagree?

Implementation

The plan is almost silent on issues of implementation except for proposing yet more ‘training’ and ‘data collection’, about both of which we have identified serious issues. Yet we are extremely concerned that implementation of these recommendations, particularly relating to selfID contains many pitfalls for public bodies, service providers, businesses, individuals and employers. Let us give some examples, drawn from direct experience of our members in the last three years:

- A group of lesbians organise a social group intended to provide mutual support and enjoyment, designed around sex and sexual orientation (both protected characteristics). A man seeks to join, and claims to be in the process of gender reassignment despite no medical intervention. We know, from direct experience, that the group will experience great difficulty and social stigma for simply maintaining their boundaries and community structures, while also rebuffing the sexual threats implicit in the behaviour of someone using a trans cover to gain access to lesbian spaces. The plan should make clear that lesbians or gay men can self-organise as they wish.
- If selfID means that any male bodied person has access to changing rooms where women are undressing (and hence vulnerable to violation of boundaries and dignity) simply by asserting ‘womanhood’, what happens when that person behaves inappropriately? When we cite such experience, we are often told either that unlawful behaviour means the police should be called or that it never happens because transwomen would never do such a thing. The first response is utterly disproportionate and a waste of resources. The second indubitably happens and indeed has become a selfie-popularity contest among some activists. We also know, from questions raised by concerned organisations and individuals, that it happens in a range of contexts. So, we would like to understand how a hard-pressed facility manager is supposed to deal with such behaviour, when they all too often see senior political and community leaders dismiss its impact.
- Advice offered to schools, eg in the Tool Kit discredited in Rhondda Cynon Taff, expects young people concerned about such behaviour to be offered the use of adult lavatories, or essentially to hide their asserted ‘bigotry’. This gives, for instance, a young Muslim boy no opportunity to manage his environment in accordance with his faith. It gives a young lesbian no option but to share intimate space with someone who to all outward appearance and history is male.
- NHS organisations routinely offer intimate care from people of the sex chosen by the patient. At the same time, they say that transgender staff will be treated according to their adopted gender. These two policies are in direct conflict, as we have seen from cases around the UK.

We believe that in a situation where policy proposals present such difficulties of implementation, it is the responsibility of Government to thoroughly assess and investigate implications and ensure that organisations can deliver safe, appropriate and sensitive responses. So far, we have seen no effort to do so from any level of government, which we find disappointing, and we would welcome a commitment to ensure practical, respectful guidance on implementation.

There is no sense in this plan of the financial implications of its recommendations or of how Welsh Government might afford such proposals within the budgets available. This is most evident at recommendations 35 and 36 which place additional expectations on the extremely stretched mental health services, but is true throughout the report. For a plan which promises ‘action’ on the cover, the approach is remarkably short on deliverability.

It is frequently said by activists that ‘rights are not pie’. We disagree, especially in areas such as sport, political representation and safe spaces. We remind Welsh Government that the budget for delivering services is indeed finite: rather than set up unrealistic expectations and competition, we consider that a fresh attempt at this plan should address issues of finance, relationships with other strategic agendas (such as the Wellbeing commitments) and mechanisms for transparent and accountable delivery.

2. Responses to the specific recommendations

No.	Recommendation	Response
<i>Overarching Aims</i>		
1	We will strengthen equality and human rights for LGBTQ+ people and we will seek to influence the UK Government to strengthen the protections afforded to trans and non- binary people under the law, including refugees and those seeking asylum.	Within the UK, LGBTQ+ people now have the same human rights² as everyone else. It is not clear what more is needed in this direction. If Welsh Government is proposing to introduce self-identification of legal sex – ‘selfID’ - (as at recommendation 9), we do not consider this to be a human right, nor does it advance equality. If Welsh Government is proposing other rights, these should be made explicit. The proposed support for trans and nonbinary refugees and asylum seekers is welcome, and we would extend that to include support for LGB refugees and asylum seekers. We remind Welsh Government that far more countries criminalise same sex activity than cross-gender presentation. (See https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter=death_pen_applies.) The vocal opposition of Welsh Government to the current culture of disbelief in the Home Office would be a good beginning to an international campaign in support of LGB and trans people across the world. We would strongly support Wales taking a lead in this. One benefit would be to raise awareness within Wales of the issue, promoting a more tolerant and accepting national profile. (Also see our response to recommendations 31, 32, 33, 34 and 35.)
2	We will ensure that the rights of LGBTQ+ people are recognised and mainstreamed across the public sector in Wales.	The public sector is obliged by law to recognise the existing rights of people with the protected characteristics of sexual orientation and gender reassignment (who are those most obviously covered by the acronym adopted in this Plan) and to undertake inclusivity training for their staff. It is not clear how much more needs to be done.

² In making this statement, we assume that Welsh Government is clear that ‘Q+’ does not cover abusive or coercive sexual behaviour of any kind. This is not self-evident from the plan. Beyond this caveat, we are clear that the rights to fair employment, freedom from harassment, equal pay, a fair trial, access to services and other human rights apply equally across all these communities, even if unevenly experienced in practice.

3	We will ensure that all public service workers understand LGBTQ+ needs, encouraging comprehensive, intersectional equalities training to be undertaken when necessary.	It is not clear how such training would be procured or what steps will be taken to ensure its impartiality or compliance with the law as it stands. We have had numerous reports of organisations involved in and convening the Expert Panel misrepresenting equality legislation (eg introducing the undefined and legally empty notion of ‘gender identity’, and using it to replace the protected characteristic of ‘sex’.) Any such recommendation for training must be accompanied by procedural arrangements to uphold its quality. (Also see our comments on training at recommendations 38, 48 and 54.)
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.	Cultural assumptions are difficult to change but with an increasing presence of inclusive representation in public life and in the media, people in general are more receptive to alternative lifestyles. The proposal to record identities will need to apply to everyone accessing the service in question and will have to be necessary to the successful delivery of that service. The requirement of GDPR on data collection and storage will need to be observed as sexual orientation, one part of the population under discussion, is a protected characteristic.
5	We will improve data collection, including intersectional data, to identify the discrimination and wellbeing disparities experienced by our LGBTQ+ communities.	The lack of definitions in the plan makes any data, and policy based upon it, suspect. For example, how can data on sex-related health issues be valid when data subjects can self-define? This challenge is made worse by the intention to allow people to change their identifiers from one day to the next: in particular this will damage accurate crime statistics, pay and equality, and health planning. It is hard to see how any evaluation can be made of actions across such a disparate group.
6	We will formalise the Independent Expert Panel to guide, monitor and evaluate implementation	Section 4 below outlines our serious concerns about the creation and actions of the ‘Expert Panel’ and individual members. As in all forms of public service, we consider that members of such panels should not be in a position to make financial gain from their recommendations. ³

³ As set out in Nolan Principle 2 requiring holders of public office not to *act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.* While membership of the ‘Expert Panel’ may not strictly speaking be a public office, it clearly is an influential and exclusive position in relation to government policy.

	of the plan. We will provide an annual progress update on the implementation of the plan.	Any advisory panel on this topic should be expanded to include representatives of groups more critical of the ideological belief systems underpinning some of the trans, queer, and nonbinary debates. Welsh Government needs to recognise and respect the range of beliefs and opinions within this asserted LGBTQ+ 'community' and that the belief in the importance in sex is protected in law. The perceived and actual conflicts of interests between groups which share protected characteristics (especially sex, faith and disability) must be addressed in the appointments and activities of such a group. There should be complete transparency in the appointment of members to this 'formalised' panel
<i>Human Rights and Recognition</i>		
7	Continue to vocally defend and promote the rights and dignity of trans and non-binary people in Wales to take a full and equal role in Welsh society at all levels.	The defence of rights and dignity is always welcome. However, it would be useful to have the relevant rights explained, especially given the paucity of definitions. We call on Welsh Government to explain what should happen if the actual or perceived rights conflict. For many lesbians, gays, bisexuals and for women, we have already seen this happening: the rights to free speech and peaceful assembly have been attacked during this very consultation, including by members of the 'Expert Panel'. The sex-based rights of women, particularly the exemptions in the EA2010, are in direct conflict with the practical effect of self-identification – as already experienced in prisons and hospitals. Any Action Plan on these matters must address the practical implication and delivery of its proposals.
8	Provide recognition of non-binary people throughout devolved policy areas, including education, housing and health as far as possible under the law.	Without a robust definition of 'non-binary' it is impossible to respond properly to this recommendation. The definition offered in the 'Expert Panel' glossary is ' <i>An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities,</i>

		<i>while other reject them entirely.</i> ‘Gender identity’ is in turn defined as an ‘innate sense’ of the individual. This is so wide a net as to catch many citizens who would not realise they are apparently non-binary, because for example they are uncomfortable with the expectation that a woman should only drink a half pint at a time. Far more explanation and exemplification are needed before such a policy should be developed.
9	Seek to devolve powers in relation to Gender Recognition and support our Trans community.	LGB Alliance Cymru is fundamentally opposed to this recommendation. This devolution can have only one purpose – to bring in self-ID. This would, at a stroke, end female only services, spaces, and opportunities. Women and girls would no longer have the right to safety, privacy or dignity, or to set their own boundaries. Women would, in short, lose the rights given by the Equality Act 2010. Welsh Government has frequently asserted, through Ministers, that those rights will be upheld, and we note that the ruling party’s national manifesto commits them to do so. However, without proper guidance, education and publicity, the practical impact is the loss of sex-based rights. We do not accept that self-identification of legal sex is a human right, nor that opposing it is to be bigoted. We support the ambition of people in the trans community to have an easier pathway to a change in legal status, but not the removal of all assessment or gateways.
10	Use all available powers to ban all aspects of LGBTQ+ conversion therapy and seek the devolution of any necessary additional powers.	For good reasons, the lesbian and gay community is strongly opposed to conversion therapy. Our historical experience of eliminating homosexuality - from electroshock therapy to exorcism – has often been profoundly abusive. The Plan does not provide any evidence as to the extent to which this is still happening in Wales. In this context, we must raise some concerns. The particular focus on ‘conversion therapy’ fails to acknowledge the growing concerns among health professionals and the LGB community, that

		trans ideology is encouraging gender non-conforming children (and homophobic parents) to ‘trans away the gay’. For example, see the widespread coverage of the report on the Tavistock clinic by distinguished psychiatrist David Bell. One such report is at https://www.theguardian.com/society/2021/may/02/tavistock-trust-whistleblower-david-bell-transgender-children-gids.) He was also interviewed recently by the BBC Nolan Investigates at episode 5. We echo the pain expressed by a parent at the impact of affirmation and puberty blockers at https://pitt.substack.com/p/dear-wpath-doctors-i-dont-forgive; and the important and distressing stories of detransitioners now being told.⁴ In the understandable concern for the stories of distressed adolescents, these life-long harms and increasing clinical concerns are being completely swept aside. A ban on conversion therapy risks the availability of ethical, holistic therapy for children who present with symptoms of dysphoria. Current research suggests that many of these children will grow up to be lesbian, gay or bisexual, provided they are not ‘socially transitioned’. Before making such a recommendation, despite the many ways in which it is welcome, Ministers should consider its interaction with the emphasis on ‘affirmation’ and whether there will be unintended outcomes for lesbians and gay men.
11	Explore ways unnecessary personal identifications such as name, age and gender markers can be removed from documentation particularly in recruitment practices.	Good practice in recruitment (and other fields where individual decisions intersect with social impact) already separates identification of protected characteristics from material such as application forms. Indeed, it has been considered a key plank to achieve equality in the UK Civil Service since at least 2015. However, it is crucial that the data is collected and anonymised overall to ensure effective monitoring, in relation to all protected characteristics where those characteristics are relevant to the roles involved and/or patterns of discrimination in wider society. As it stands, this

⁴ See references below to the interview by Abigail Shrier with senior physicians within WPATH and the evidence to our webinar of 2 October 2021.

		recommendation is a threat to the integrity of data collection, for policy decisions, public sector priorities, to women's sex-based rights under the Equality Act and other efforts to overcome historic disadvantage.
12	Provide LGBTQ+ people with a greater understanding of their human rights, what they mean, how they intersect, or when they have been infringed, as well as how to seek redress when this happens.	Again, as at recommendation 7 for all citizens, proper understanding of their rights, and the limits on those rights, is welcome. However, it would be useful to have the relevant rights explained, especially given the paucity of definitions. We call on Welsh Government to explain what individuals should do if they identify an actual or perceived conflict. Does Welsh Government still believe that the active infringement of free speech and free assembly is acceptable – whether for members of the LGBTQ+ communities or anyone else? We would welcome efforts by Welsh Government to explain to citizens how they seek redress when they see their human rights infringed by this Action Plan, whether in its development or its implementation.
<i>Ensuring LGBTQ+ People's Safety</i>		
13	Work with Police and Crime Commissioners and Chief Constables to consider building on existing ongoing engagement activity with marginalised communities, to ensure that their relationship with the police is more reflective of their needs. This will include LGBTQ+, disabled communities and Black, Asian and Minority Ethnic communities.	While we welcome engagement between law enforcement and marginalised communities, we raise concerns about this recommendation. We recognise that members of Black, Asian and Ethnic Minority Communities and people living with disabilities experience high levels of harassment and abuse in public spaces as well as private spaces. These experiences need different responses from the police and criminal justice system depending on where they happen and what that entails. To cite but one example of the intersectional impacts, ethnic minority women already at risk of honour-based violence and/or forced marriage may be even more at risk if families discover they are lesbian or bisexual. Many members of LGBTQ+ communities will face harassment, abuse and discrimination because of their sexual orientation or trans status, and again this will require different responses depending on whether this happens in public spaces or in private spaces. We know that someone's sexuality is often used against them as a form of domestic abuse. Nonetheless, and

	to give one example of the failures of the forced teaming underpinning this plan, in the South Wales Police & Crime Commissioners' ambitious <i>Tackling VAWG Strategy 2019/24</i>⁵, the word 'lesbian' is not used, and LGBT people are lumped together as a homogenous group. One sentence acknowledges that same sex partners can be victims. To have a closer and more trusting relationship with the PCC and police, we must be named for who we are. Domestic abuse and VAWG is certainly not the same for everyone under the LGBTQ+ umbrella. While the recommendation uses the term 'include' it is notable that women are not named in this list. Despite the findings of #MeToo and the recording of such sites as www.EveryonesInvited.uk, the everyday experience of violent and abusive misogyny is overlooked. In the current circumstances, especially given the policing culture revealed by Sarah Everard's murder, this is an unacceptable omission. Women and girls are targeted because of their sex, not their sexuality, but sometimes as their sexuality is an aggravating factor in these crimes as the male perpetrators see this as a slap in the face to heterosexuality and male power. Referencing the same VAWG Strategy, we note that while it rightly states that the overwhelming majority of victims of domestic abuse and sexual violence are women and girls, it starkly fails to name lesbian and bi-sexual women. In particular, these recommendations need to recognise the mistrust within all these communities for the police. Within LGBTQ+ communities there is still profound distrust that the police will take reports seriously, especially sexual offences committed within a same sex relationship for example and even more so if both parties are women. Rather than assume that it is straightforward to exhort communities and the police to work together, Welsh Government needs to focus on a non-abusive, constructive approach to policing all citizens in Wales.
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⁵ <https://www.southwalescommissioner.org.uk/en/our-work/violence-against-women-and-girls/>

14	Work with Police and Crime Commissioners and Chief Constables, along with other criminal and social justice partners, to review the under-reporting of LGBTQ+ hate crimes with the aim of acting to further improve the levels of reporting.	Improving reporting of hate crime is always welcome but we are deeply concerned that the definitions of hate crime exclude misogyny, while we see police visiting people at home or forcing them into the criminal justice system for exercising their rights to robust but not offensive free speech. Where police resources are being misused in this way, the recommendation should focus on accurate reports. This has been an issue for some time. In 2019, Dr Long was removed from a seminar in London, despite not having said a word since her arrival. (https://www.faircop.org.uk/case-studies/dr-julia-long/.) During this consultation, LGBAC, with Merched Cymru, Labour Women's Declaration and Lesbian Labour, spoke out on the steps of the Senedd: we faced continual attempts at silencing and misplaced allegations of 'hate'. We are disappointed no Labour Members of Senedd came to hear our point of view. In effect, exercising our democratic rights is seen as punishable by the criminal law. This hyper-vigilance against free speech (mostly though not solely directed at women) leads to unfortunate consequences and a conflation of rights including to speech, to single-sex spaces, and to free assembly. For instance, in the Stonewall report on hate crime cited by the 'Expert Panel'⁶ on page 7 a quote from Hannah, a trans woman, points to being asked to use the men's toilet in a club by security, and also security not intervening when they were picked on by some yobs. It is wrong to associate using sex-segregated spaces as permitted in the EA2010 in the same context as violent threats. Even the Prime Minister has recognised the prevalence of misogyny by suggesting that making it a hate crime '<i>would overload the justice system</i>'. Women as a sex-class are so used to harassment, abuse and threats from a young age that they do not bother reporting to the
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⁶ https://www.stonewallcymru.org.uk/system/files/lgbt_in_wales_-_hate_crime_stonewall_cymru.pdf

		police⁷ unless the incident is of a serious nature. Even then (as in the case of rape) they don't always report because as well as not being taken seriously the conviction rates are pitifully low. Add the distrust and poor experience of being lesbian or bisexual and we know that all such crimes are dramatically under-reported. It makes it all the more important that any attempt to improve reporting must be collecting accurate, meaningful data and ensure appropriate support for all victims. We must have accurate statistics if we are to understand whether policies are working or not, whether interventions are needed or not. A stated goal simply to increase figures decouples the purpose of measures (to measure something) to an end in its own right. We believe that under-reporting is real, but these examples point to the risk of nuisance reports. We therefore seek a proviso about increasing accurate reporting. We also consider that the recommendation does not allow for the proper analysis of data. Page 12 of the report referenced above records LGBT people (sic) avoiding streets late at night etc. This kind of data raises the issue of gender and sex as commonly understood. Without knowing what proportion of the sample are women, and therefore uniquely vulnerable to sexual violence, such information has no value in addressing hate crime or the safety of vulnerable people.
15	Work with the tech companies and media platforms to tackle hate crime and misinformation.	We recognise the acute challenges represented by the social media platforms' failures to address misinformation, for example on the pandemic. However, this recommendation is completely unrealistic, especially when government will not even put age restrictions on pornography which brutalises and dehumanises women. Welsh Government should also be

⁷ This is so well known that most women do not even discuss it. Statistical evidence does exist, eg a survey from UN Women UK found that 97% of 18–24-year-old women have been sexually harassed, yet 96% did not report the incidents. <https://happiful.com/why-are-96-of-women-not-reporting-sexual-harassment/>. Yet this report also does not mention sexual orientation as a potential additional factor.

		aware that lesbian and bisexual women are specifically fetishised and brutalised in pornography and this is taken onto the streets of our towns and cities. At the very least, such a recommendation requires workable and genuinely intersectional definitions of ‘hate crime’ and ‘misinformation’ . Will calling people (including many authors of this response) a ‘terf’ become a hate crime? (See https://www.feministcurrent.com/2017/09/21/terf-isnt-slur-hate-speech/ for some context.) Without an approach which includes misogyny, we cannot support this recommendation. We note the existing challenges to free speech through the growth of misconceived legislation and policing at our response to recommendation 14. Given the ideological content on this Action Plan, this recommendation has the potential to become repressive.
16	Engage with members of LGBTQ+, disabled and Black, Asian and Minority Ethnic communities to understand issues where there appears to be a lack of understanding amongst police call handlers and other front-line staff. This should then inform work with Chief Constables to develop awareness raising inputs on specific issues related to hate crime, human rights and how those with protected characteristics are targeted.	We welcome efforts to enable call handlers in all front-line services to understand the fears and challenges of marginalised communities and how those experiences may be obstacles to seeking help. As noted at our response to recommendation 13, many in such communities have good reason to mistrust the culture of the police force. Tackling this culture should be a priority for Welsh Government.
17	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	We agree (as above) there appears to be under-reporting of domestic violence and sexual abuse from LGBTQ+ people, but remind Welsh Government that this can only be a guess given there is also huge under reporting in the heterosexual population. Relevant services are already expected to collect data on sex and gender so again, strong, reliable data needs to be collected and used in the creation of policy. As discussed in recommendation 13, the South Wales VAWG Strategy lumps together LGBTQ+ communities and does not take into account the huge differences in experiences between

service providers, along with professional and public services, including police data should capture LGBTQ+ reporting, referrals, incidences etc.	lesbian couples and gay couples within abusive relationships. Experiences of domestic abuse between males and females are very different as are levels of risk and need. Yet again, we emphasise that the 'LGBTQ+' acronym is unacceptable: it lumps together diverse communities so their different needs can never be understood, and appropriate services designed. Such services should also reflect needs in a particular locality. Without services to go to, there will always be under reporting. Welsh Government already funds the Live Fear Free Helpline, many Women's Aid Groups, the DYN Project (for male victims including gay men) and BAWSO (for women from Black, Asian and Minority Ethnic Communities). There is also a national LGBT DV Helpline. We therefore consider that raising awareness of domestic violence in communities, enabling understanding of violence and abuse is the correct approach. We are concerned that for the sake of a relatively small number of people who identify as trans or queer who expect access to spaces created for a different sex, women's services are being decimated and defunded. We believe that if trans and queer people seek their own specialist services, there should be separate and additional support, designed from the ground-up as women did⁸. We wish Welsh Government to recognise the trauma experienced by women and children from sexual abuse and domestic violence, and that they are entitled to seek spaces free of male bodies to recover from that trauma. More broadly, we are concerned that lumping females – lesbians, bisexuals and 'nonbinary' women - into the LGBTQ+ communities means we're losing sight of violence against women and girls (VAWG). We know that bisexual women are at particular risk of VAWG (https://genderpolicyreport.umn.edu/bisexual-women-and-intimate-partner-violence/). According to US statistics, <i>'[o]ver 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'</i>. We have no reason to believe Wales to be significantly different.
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⁸ Such services might be accessed through specific routes, such as those funded above or in other ways. It is not for us to undertake that design work in responding to these recommendations, but rather to note that the work is needed rather than attacking existing services.

		The Action Plan and associated reports only disaggregate the trans community, so VAWG is rendered impossible to see. And bisexual women, a supposed target of this plan, are not identified at all. This recommendation on data collection again fails to address the failures of definition and consistency in this plan.
<i>Homes and Communities</i>		
18.	Support and resource LGBTQ+ community groups and organisations across Wales to combat regional inequalities that people experience when accessing services. Targeted intervention is also needed to increase the Welsh medium support services available to LGBTQ+ people.	As noted elsewhere we are strongly concerned that plurality of opinion must be permitted within these services. We remain committed to the need for some services to be single sex, using the sex-based exemptions set out in the Equality Act. We also want to see lesbians and gay men able and encouraged to socialise in single-sex spaces. Many lesbians have reported the increasing difficulty in ensuring their social and political services or spaces are single sex. Welsh Government should assert the right of lesbians and gay men to meet, socialise and organise within their own boundaries.
19.	Work with the youth work sector to find a longer term sustainable funding model for organisations, including in the voluntary sector, who provide support for a wide range of young people with differing backgrounds and needs, including support for LGBTQ+ young people. Future strategies including the work of the Interim Youth Work board should consider equality and diversity for all young people.	Whilst we support the need for sustainable funding, we particularly want to ensure that young people are not encouraged down a pathway of irreversible medical intervention because of peer, online or parental pressure. We strongly assert that more inclusive youth work should not become a cover for unquestioning affirmation but be part of watchful waiting for young people questioning their sexuality or gender. We are horrified at the explosion of young girls seeking gender identity services in recent years. We understand that there is also a very recent but detectable rise among young boys⁹. We consider this an indictment of our society that young women would rather submit to radical surgery and hormonal change than be happy, healthy adults in their bodies, and quite possibly lesbians.

⁹ Helen Joyce, interviewed on *A Wider Lens*, September 2021

		Rather than a culture of such assaults on bodily integrity and health, youth work should be challenging the stereotypes and misogyny which is driving young people into such pathways.
20.	Utilise – and encourage the use of – LGBTQ+ awareness events in the annual calendar as opportunities to uplift LGBTQ+ voices, particularly from under- represented sections of the community. These include, but are not limited to, Pride events, LGBTQ+ History Month (February), IDAHOBIT (17 May), International Non- Binary Day (14 July), (Bi Visibility Day (23 September), Trans Day of Remembrance (20 November), and World AIDS Day (1 December). Work with other public bodies to support bi people with shows of support, such as flying the bi pride flag.	Welsh Government must recognise that many lesbians, gays and bisexual in Wales (and across the world) have expressed great concern about Pride and how it has become captured by a lobbying agenda with which many of us disagree. It is impossible to get robust quantitative data because Welsh Government will not even speak to anyone about this issue, nor will Stonewall Cymru acknowledge the slightest divergence of opinion. But we have the evidence of many lesbians and gay men raising this with our organisation and beyond. Lesbians demonstrated their concern at Pride marches in 2019 (including in Wales). Those lesbians tell us they had to protest in that way because no other conversation was possible. The silencing was amply evidenced by the social media response from powerful figures in the Pride movement, calling any difference of opinion ‘vile’ and ‘disgusting’ or worse. Lesbians asserting their sexual boundaries is now not acceptable at Pride. Meanwhile many other sexual kinks and fetishes are openly displayed – from animal imitations to adult men dressed as babies. This is billed as a family friendly event. The two are not compatible. For increasing numbers of lesbians and gay men, it is not our Pride. Any attempt to celebrate our history and experiences needs to correct this grotesque distortion as its highest priority. We are dismayed that the opportunity to celebrate lesbians (sadly missing in this entire plan) was missed here by not specifically referencing Lesbian Visibility Day on 26 April. In 2021 this was extended to a week, running to 3 May. International Lesbian Day is on 8 October, again unremarked in this plan or indeed by Welsh Government during this consultation period.

21	Support Prides across Wales by sponsoring Pride Cymru, establishing a Wales-wide Pride Fund and appointing a Wales-wide Coordinator	We strongly object to this recommendation as drafted. We welcome the opportunities to extend Pride beyond Cardiff and Swansea and have welcomed initiatives in Abergavenny and elsewhere in recent years. However, if there was to be a national Pride Fund supporting Pride related events, let alone a co-ordinator, we would want to ensure such initiatives acknowledged and enabled honest, pluralist debate about the way Pride works. We hope to see a version of Pride which does not silence those of us who uphold the belief that sex is real, and that sexual boundaries are essential in celebrating our histories, identities and future.
22.	As part of the Democratic Renewal campaign we will provide access to diverse role models to promote participation in democracy including standing for office, at all levels, in Wales.	This recommendation is meaningless if no diverse opinions are permitted. Those diverse role models must include those of us asserting the reality of sex and the boundaries of lesbians, gay men and bisexuals. If Democratic Renewal means anything it must resist the authoritarian mantra of ‘no debate’.
23.	REPRESENTATION – Culture & Sport - Reach out to LGBTQ+ individuals, groups and communities inviting them to support the design and development of holistic approaches across the Culture and Sport sectors in Wales, and building on the existing work of public bodies represented in the Public Body Equality Partnership. - Improve LGBTQ+ representation in the Culture & Sport sectors in Wales at all levels, including at Board, workforce and volunteers’ levels. - Use national and local collections in the Culture and Sport sectors in Wales to celebrate and share LGBTQ+ stories and	We have been pleased to contribute to the equality debates promoted by Sport Wales earlier this year. We pointed out that sport is an area where the experiences of different communities gathered under the leaky ‘umbrella’ of ‘LGBTQ+’ vary widely. We recommend that the Welsh Government and Sport Wales should do further research on those different experiences, the value of role models, of bonding, or access to facilities. For example, many, many gay men have experienced extreme bullying within the sports environment, sometimes with tragic results. By comparison, lesbians have often found sporting environments a haven with strong role models emerging, especially over the last 50 years. Sport is also contested around single sex spaces. We assert the importance of enabling single sex spaces, particularly for young people (male or female) and for people of faith. It is unfortunate that the focus groups, so narrowly drawn, prioritise only one person’s experience (however disturbing) without considering the broader impacts on other groups with protected characteristics of recommending mixed sex facilities.

	histories, providing funding where appropriate. Consider how to provide greater focus on equality as part of skills development, work experience, volunteering, mentoring and apprenticeship opportunities.	We agree with the aim to improve representation and access but repeat our ambition for better understanding of how sport and access to sport differs among our communities. We agree to the ambition to use national and local collections to better reveal the stories of our communities. We hope that if funding is available it is used to uplift all marginalised communities, and that where a sportsperson has clearly identified themselves as (for instance) gay, they are not later misidentified or put into a broader category that does not represent their experience. We always welcome a greater emphasis on equality and representation. Our general comments on overarching aims demonstrate our concerns about how this is being interpreted by Welsh Government to stifle opinions and erase the experiences and reality of lesbians, gay men and bisexuals.
24.	CELEBRATION – Culture & Sport - Celebrate the LGBTQ+ communities in Wales by developing our national and local collections, encouraging LGBTQ+ communities to collate and donate collections to local archives and museums, providing funding where appropriate - Use national and local collections to support Pride activity across Wales, including at Pride Cymru events and during Pride month. - Public bodies in the Culture and Sports sectors in Wales will work with any future appointed Wales Pride Coordinator to maximise opportunities to celebrate diversity.	While we support this recommendation, we repeat our hope that if funding is available it is used to uplift all marginalised communities, and that our champions and role-models are not misidentified or put into a different category from one they chose. We also know from our members that there is a rich oral history of lesbian, gay and bisexual life in Wales – stories of SurfCamp, cross-dressing in rural north Wales and more. We would encourage museums and archives to explore and collect such stories and make them available for the future. As noted above we are deeply concerned at the shape of Pride in Wales and its exclusion of any who disagree with a particular ideology, particularly lesbians. While we support this recommendation in principle, we wish to see Pride return to its roots and recognise both diversity of opinion and the real experiences of our communities.
25.	PARTICIPATION – Culture & Sport Work with Sport Wales and national governing bodies to address the findings of	This recommendation supports our view that Welsh Government has produced a document which is fundamentally a Transgender Action Plan. Why is there no recommendation to work on

	the review of Transgender Inclusion in Domestic Sport. • Ensure workforces are engaged and aware of events and activities at local, regional and national level. • Consider how to provide greater focus on equality as part of skills development, work experiences, volunteering, mentoring and apprenticeship activities and opportunities, providing funding where appropriate.	lesbian, gay or bisexual inclusion in sport? It is revealing that little evidence or previous action plans exist regarding the inclusivity or otherwise of sport for others. We welcomed the recommendations of the World Rugby Union, which recognised that safety, fairness and inclusion should be considered in that order. In this context they have recommended that trans women should not be playing with biological women. We further welcome the recognition of this hierarchy of priorities by the national Sports Councils, including Sport Wales. We hope that Welsh Government will use its powers and persuasion with governing bodies to reflect this approach. Both these recommendations have much broader applicability than culture and sport. We echo our comments made on representation above.
26.	COHESION – Culture & Sport • Collaborate across the culture and sport sectors to cascade and share good practice and learning. National, local and voluntary organisations will work cohesively to develop good practice that can be scalable and shared as appropriate, to ensure that best practice across the sectors is recognised and adopted wherever appropriate.	While in principle we agree this recommendation we wish to ensure that this learning and good practice recognises the distinct needs of lesbians and gay men, and are subject to a proper impact assessment, particularly regarding sex, faith and disability
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.	We want all our communities to be able to worship within their faith with safety and respect. Unfortunately, this recommendation is dismissive and divisive. It puts no responsibility on people of various faiths, or indeed none, to ensure respect for the beliefs of others. There is no recognition of the legitimacy and protected status of beliefs which vary from the ideology embedded in this Plan. In particular, the phrasing and any implementation of this recommendation must recognise • that faith and belief are also covered by the Equality Act and people are entitled to their beliefs. The Courts have only recently upheld the position that the belief in the immutability of sex is protected;

		• where service delivery is involved, there is significant and relevant case law protecting the rights of customers and clients. It is not clear how such exhortatory language is intended to encourage faith communities to be spaces where LGB and TQ+ people can be more open about themselves; and • for many faith communities, sex is an important protected characteristic, with implications for architecture, behaviour and dress. Simply expecting these boundaries to be overturned in the name of an ‘open and accessible’ environment risks making many environments less accessible, especially for women of faith. This recommendation, as worded, illustrates the failure of Welsh Government to comply with its own EIA guidelines.
28	Strengthen LGBTQ+ representation on equality forums	While representation is always welcome, we are extremely concerned about how this recommendation will be implemented, given the abysmal track record to date, The related proposal is to extend the ‘Expert Panel’. We do not believe Welsh Government genuinely seeks to enable representation of lesbians and gay men. Will Government now enable representation of LGB people who uphold the reality of same-sex attraction and the relevance of sex to our boundaries, dignity and rights? If there is no representation of these diverse opinions, such ‘representation’ will not be valid.
29	Ensure that all homelessness services sensitively capture people’s sexual orientation and trans status to tailor appropriate and safe pathways.	The difficulties of capturing sexual orientation and gender identity from vulnerable people are well known. This is particularly true where ‘trans identity’ is explicitly unstable and fluid. How will the changing identity of someone who is ‘questioning’ be managed in the day-to-day decision making? We strongly support the Panel’s view that there should be systematic and coherent data collection: our response throughout has emphasised that this is impossible without clear and agreed-upon definitions.

		This recommendation also intersects with homelessness provision for people fleeing Domestic Abuse and Violence. This issue is not comprehensively considered in the Plan; we are extremely concerned that Welsh Government has not recognised the real concerns of female survivors of violence and trauma at the hands of men. A proper EIA would ensure that this actual conflict in service delivery was fully addressed.
30.	Evaluate specific LGBTQ+ projects, such as the Ty Pride project, and gather best practices and principles to share with local authorities regarding LGBTQ+ homelessness.	We welcome the desire to promote best practice, within the general context of our concerns about data collection and definitions. We note that the Ty Pride project claims LGBTQ+ young people are <i>‘five times more likely to be made homeless than their peers’</i>. We have seen no source for this claim and would welcome well-evidenced and robust research into the experiences of our communities. The failure to disaggregate and examine such claims makes identification of good practice much more difficult. In our response to recommendation 13 we assert that more inclusive youth work must not become a cover for unquestioning affirmation but be part of watchful waiting for young people questioning their sexuality or gender. The same caveat applies to specialist homelessness provision for young people.
31.	Work with the UK Government to encourage sensitive identification of LGBTQ+ people throughout their asylum claim by making amendments to the ASF1 form and asylum case worker guidance.	We are committed to a welcoming and safe environment for people escaping persecution. We recognise the need to ensure sensitive and safe opportunities for people seeking asylum on the basis of their gender reassignment or sexual orientation when coming from countries where these give rise to persecution. We also recognise that the experiences of lesbians, gay men and people presenting with a trans identity differ across the world. Men having sex with men is the most widely criminalised category (71 jurisdictions), followed by women having sex with women (43). Fifteen jurisdictions criminalise the expression of trans people, using so-called ‘cross-dressing’, ‘impersonation’ and ‘disguise’ laws. Lesbians, gay men, bisexuals and trans people may also be

		targeted using vagrancy, hooliganism and public order legislation. (See https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/) We do not agree that direct questioning on the ASF1 form is the best route to provide such opportunities, given the legitimate fear of applicants that such information will be used against them if their claim is denied. Furthermore, such a strategy pays no heed to the fear and trauma such questions might generate. The research cited by the 'Expert Panel' is not given as a link and is not available via a search so we have been unable to review it. We would like stronger evidence and much wider consultation to identify the best approach to enabling asylum seekers to raise their experience without risking unnecessary and damaging exposure.
32.	Work with the UK Government and Clearsprings Ready Homes to encourage the development of LGBTQ+ only asylum properties in Wales, with necessary safeguarding and welfare considerations implemented.	We support and recognise the difficulties experienced in ensuring safe and appropriate housing for all asylum seekers in Wales. We also recognise the difficulties experienced within accommodation where people from the LGBTQ+ communities must hide their identities for fear of reprisals. We are concerned at creating conditions where vulnerable people are exposed to additional risk in situations where they cannot readily escape. Any approach to LGBTQ+ specific asylum seeker accommodation needs far more careful thought than evidenced here, including the risk that such properties become the target for hate crimes. We know of no good data as to what level of provision might be required. There is no necessary commonality between different asylum seekers within the LGBTQ+ communities: a lesbian single mother from Zimbabwe is not necessarily going to wish to share accommodation with gay men escaping Afghanistan. The lessons from prisons are relevant in this context. We support the safety, dignity and rights of all prisoners, including those who are trans, but are especially concerned about the risks of sexual assault or homophobic violence on people who are confined. The experiences recorded where women are so confined (see https://kpssinfo.org/stories-from-women-in-prison/) should be used in ensuring the right safeguarding provisions are in place.

33.	Work with specialised LGBTQ+ asylum and refugee support services, such as Glitter Cymru and Hoops & Loops, to identify improvements to relevant policies and support organisational sustainability.	We welcome the intention to improve service provision for LGBTQ+ refugees and asylum seekers through more adequate training for the public bodies which assist them. Welsh Government should seek guidance from all asylum seeker and refugee organisations to gain a full picture of the needs of LGBTQ+ asylum seekers and refugees across Wales. While we appreciate that the organisations listed are only examples, we are concerned that both are small and south Wales (mainly Cardiff) based. They are primarily social ‘meet-ups’ and support groups with no evidence of training expertise or experience. While three members of Glitter Cymru are ‘Expert Panel’ members, it is not a refugee organisation and has no expertise in the field. Hoops and Loops, while more specialist, is neither representative nor Wales wide. We commend both groups on their fast growth over the last four to five years but do not accept that this training, should it be procured by Welsh Government or its agencies, be seen as a route to their specific organisational sustainability. Rainbow Migration (formerly UKLGIG), which is referenced in the ‘Expert Panel’ report, appears to be a more substantial organisation; they are based in London. There are also Wales based support groups with a strong track record, such as the Cardiff Trinity Centre (cited as a resource for refugees and asylum seekers by Glitter Cymru.) This patchwork of location and experience is of concern if Welsh Government genuinely wishes to improve service provision for this vulnerable group. As with other topics in this plan, we recommend that any such training should be put out to tender with clear specifications including the requirement for a previous track record in this area, capacity to deliver in Wales and impartiality regarding selfID.
34	Ensure our commitments to making Wales a Nation of Sanctuary are inclusive of LGBTQ+ people.	We welcome the addition of LGBTQ+ people within the banner of Wales as a Country of Sanctuary.

		Welsh Government should seize this opportunity to engage with UK Government on its hostile environment for refugees and speak out for people fleeing fear and danger in their home countries. Wales cannot save the lives which the UK government turns away.
35	Ensure that appropriate mental health support is provided to LGBTQ+ refugees and people seeking asylum.	While we support the recommendation wholeheartedly, we are aware that mental health services in Wales are under great strain already. Without an increased commitment to extending the service overall this recommendation will fail. In addition, there may be a need for increased provision of translation services for minority languages in support of this group. As with much of the recommendations, no indication is given of how these additional services are to be sourced, paid for and supplied. We foreshadow our general comment at recommendation 36 that mental health services in Wales are extremely stretched; solutions must be both strategic and deliverable.
<i>Improving Health Outcomes</i>		
36	Undertake targeted public health work to combat issues where LGBTQ+ people are disproportionately at risk, including substance use, sexual health and mental health.	We strongly welcome targeted public health interventions, but (as elsewhere) believe the undifferentiated approach to the 'LGBTQ+' communities is far too broad to tackle risks in a meaningful way. In our experience, there are likely to be differing needs for each of the groups, for example in behavioural messaging related to sexual health. Any public health work must look at each group within the 'LGBTQ+' communities to reflect the differing health needs and risks of each. Interventions must be balanced and give full information. To address, for example, the promotion of affirmation by the 'Expert Panel', we emphasise our concerns regarding aspects of so-called 'social transition' such as the use of breast binders by young women.¹⁰ (Also see our comments regarding emerging changing practice in this field at recommendation 43 and our response to recommendation 49.)

¹⁰ Even pro-binder advisors identify serious and frequent impacts from this practice (<https://helloclue.com/articles/cycle-a-z/chest-binding-tips-and-tricks-for-trans-men-nonbinary-and-genderfluid>).

		Based on the evidence of practitioners, we understand that there are likely to be significant and relevant co-presenting conditions in people presenting as ‘trans’ or ‘queer’. Such conditions might be such as to benefit from intervention before any referral to specialist gender dysphoria service – for example autism, eating disorders, experience of sexual abuse and PTSD. These should be properly explored and addressed in adequately resourced and appropriately skilled services, especially when such conditions may be contributing to their requests for gender reassignment, before any medical intervention is begun. We agree with Dr David Bell¹¹ that ‘Gender dysphoria clinics should be part of child and adolescent mental health services (CAMHS) and available nationwide ... At the moment, children who are suffering extreme distress in relation to their bodies are sent to the Tavistock and the problem then goes away at local level, where psychotherapy services are on their knees.’ We are also concerned that mental health services in Wales are severely stretched especially post the pandemic: Cardiff University has suggested that ‘additional pressures on mental health services could amount to £75 million to £98 million in 2021-22’¹². This is on top of the acute funding gap in the service already affecting services, as set out by the TUC in their 2019 report <i>Breaking Point</i>.¹³ It is all the more important that proposals for investment in such services seek not only the most clinically effective outcomes but those which are realistically affordable without penalising other service users, or clients with gender dysphoria and other conditions, by further reductions in services.
37	Continue to ensure that maternity and fertility services are accessible and straightforward to use for LGBTQ+ people.	We seek clarity for providers and regulators that health messaging must not exclude sex-based and woman-centred language in the pursuit of ‘inclusion’. Accessibility, in terms of language, must be <i>in addition</i> to and not to the detriment of sex-based language and women. We reject language such as ‘pregnant people’, or ‘chestfeeding’.

¹¹ Quoted in the Guardian article referenced at recommendation 10 and repeated in episode 5 of the Nolan Investigation of Stonewall.

¹² https://www.cardiff.ac.uk/__data/assets/pdf_file/0017/2512610/election_outlook_2021_health_08_04.pdf

¹³ https://www.tuc.org.uk/sites/default/files/Mentalhealthfundingreport2_0.pdf

		We are also concerned to ensure that the Welsh Government is not introducing unqualified support for surrogacy by this route. We support the ambitions of individuals to create loving and successful families, but we are opposed to commercial surrogacy in any form. We consider it is legally, medically and psychologically dangerous; and an abusive commodification of women and of babies which carries significant health risks for the women and babies involved. The practice of surrogacy finds widespread global expression in wealthy couples paying economically deprived women to bear children on their behalf, with little thought to the classism, racism and misogyny involved. We do not regard surrogacy arrangements as a ‘gay right’, or indeed a right for anyone. This false supposition of the ‘rights’ of LGBTQ+ communities to access the wombs of poor and desperate women, is demeaning to the genuine struggles of the LGBTQ+ communities. We encourage Welsh Government to make clear that it is not using the Action Plan to facilitate abusive and exploitative surrogacy arrangements in Wales or beyond.
38	Work alongside NHS Wales, Social Care Wales and social care providers and commissioners to embed comprehensive and ongoing LGBTQ+ specific health and social care training to all staff. Health Inspectorate Wales and Care Inspectorate Wales should act to ensure compliance with best practice	Any support for this recommendation (as for recommendation 3 on public servants and 48 on educators) depends entirely on the content, providers and nature of such training. Is it to be based on ideology or evidence? Any training must balance any conflict of biological sex and declared gender and content must be overseen by medical professionals in the appropriate disciplines. The compulsion to use misleading language and impose shared facilities (eg wards) run counter to NHS Wales’ own standards on patient centred care (https://nwssp.nhs.wales/all-wales-programmes/governance-e-manual/putting-the-citizen-first/health-and-care-standards-with-supporting-guidance/person-centred-care/supporting-guidance-patient-centred-care/). Health and social care staff must not be compelled to ignore sex where it is relevant – either for medical/health reasons or for safety/dignity/privacy of others, especially patient but also staff.

		Further, health and social care providers and regulators must not be compelled to enforce belief and adherence to gender ideology over the care and health of patients and staff in contravention of case law and EA2010.
39	Include consideration of the needs of LGBTQ+ people, including LGBTQ+ older people and younger people, in the process of reviewing our codes of practice and statutory guidance under the Social Services and Well-being (Wales) Act 2014, to link in with appropriate professional training.	This recommendation, specifically on age, appears to us to be contained within other recommendations on policy, practice and training. We therefore repeat our statement that any reviews must not be ideology-led. Again, relevant co-presenting conditions must be taken into account, such as neuro-divergence, and considered alongside asserted 'gender identity.' We would expect to see clarity and professionalisation in any training provided under this recommendation. We are concerned by the way this section uses the term 'appropriate': it is a subjective term. In this context, there appear to be very specific ideas of what is deemed to be 'appropriate', evidenced by mention of WPATH guidelines and general ideological focus of the Action Plan. We do not accept this interpretation of the best interventions to support people in the LGBTQ+ communities. These comments should be read alongside our strong rejection of affirmation, as expressed in our responses to (among others) recommendations 35 and 43.
40	Ensure any future review of mental health services takes account of the focus on and efficacy for LGBTQ+ people including young people	We agree that review of these services is necessary and improvements desperately needed. Again, the undifferentiated approach to 'LGBTQ+' communities is far too broad to tackle mental health conditions in a meaningful way. We are particularly concerned that the review recognises mental health conditions which would benefit from intervention before any referral to specialist gender dysphoria service – for example autism, eating disorders and PTSD. We recommend early intervention services for mental and emotional health with focus on bodily acceptance rather than rushed through gender referrals.

		These comments should be read alongside our strong rejection of affirmation and our concerns for deliverability, as expressed in our responses to (among others) recommendations 35 and 43.
41	Publish and act on a new HIV and Sexual Health Action Plan which includes a focus on prevention, education and equitable service provision	We welcome this recommendation. Any Sexual Health Action Plan must include the sort of everyday messaging which proved effective during the HIV epidemic and therefore use the language commonly understood by most of the people who need to hear it. In particular, we repudiate the claim that lesbians have heterosexual sex (sometime referred to as 'piv' sex) as we do not agree that someone with a penis can be a lesbian. Messaging which suggests, for instance, that lesbian sex can get you pregnant, is both insulting and misleading.
42	Support the moves to tele-medicine for sexual health appointments and postal testing where possible and desired by the patient	We are concerned that this might mean that patients miss out on broader outreach services that they would be able to access in a sexual health clinic. We specifically consider that remote/tele-medicine should not be used for accessing gender services, where there is potential for abuse or outright fraud (as suggested in the current GMC tribunal hearing regarding a doctor who practiced outside her registration in Wales). Overall, we consider such a move forms part of a blended approach of tele-medicine and face-to-face to allow broader access to services.
43	Commit to review the Gender Identity pathway for children and young people in Wales following the review in NHS England.	We have strong concerns regarding the apparent unconcern for the serious shortcomings revealed in the Press and High Court which led to the Cass Review. We note that this has a direct impact on Welsh young people as the Tavistock clinic represents the only referral route. The proposal to 'review 'these pathways by the 'Expert Panel' is directly related to the push to 'affirm', socially and then medically transition young people, without properly exploring co-presenting conditions, as discussed in our response to recommendation 36. LGBAC wrote to the then Minister of Health on 6 November and 1 December 2020, asking for a review of gender identity services in the context of the sharp increase in referrals in recent

	years. In the following months we have seen emerging changes in this field from leading clinicians, including at WPATH, making an enquiry even more important. Such an approach should be welcomed regardless of where anyone stands on gender ideology, especially given the claimed prevalence of suicidal ideation in this vulnerable group. It should aim to ensure that a generic, holistic Child and Adolescent Mental Health Services (CAMHS) can be developed to meet local needs in a timely manner without ‘siphoning’ these children and young people off into centralised gender identity services (whether in England or Wales) with long waiting times. It would reduce the likelihood of inappropriate responses from untrained professionals and unsupported families. Instead the ‘Expert Panel’ has rushed to support an ‘affirmative approach to care’, talks positively about puberty blockers, negatively about the Bell ruling¹⁴ and cites WPATH guidelines as best practice. All evidence provided seems partisan or misrepresented and profoundly questionable in an area of policy with such life-affecting implications. In addition to the Cass Review, Wales ought to be looking at best practice beyond the UK as this is a rapidly changing and emerging field. Examples of these clinical re-considerations include: • the interview published in early October 2021 with top trans surgeons (https://bariweiss.substack.com/p/top-trans-doctors-blow-the-whistle). The president-elect of WPATH, Dr Marci Bowers, said they are ‘not a fan’ of early puberty blockade and that it causes problems around ‘orgasm naivety’. Another member of WPATH, Clinical Psychologist Erica Anderson, expressed the view that ‘we’re going to have more young adults who will regret having gone through this process’ due to ‘sloppy healthcare work’; • the comments of the WPATH Chair of the Child/Adolescent Committee, Dr Laura Edwards-Leeper (in an interview reported at https://bit.ly/3FQsipX), including her concern <i>that health services must include comprehensive psychological and developmental assessment for all</i>
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¹⁴ The recent Appeal Court judgement on Keira Bell’s Judicial Review relates to the respective roles of courts and clinicians, rather than the paucity of evidence or lack of treatment of co-presenting conditions. Ms Bell is seeking leave to appeal to the Supreme Court. Welsh Government cannot simply dismiss this matter.

		<i>young people before any attempts at medicalizing them.</i> She also reflects on the risks of social contagion; and - the recent decision by the Karolinska hospital in Sweden¹⁵ to end the use of puberty blockers. Given such emerging evidence, we strongly believe that Welsh Government should immediately review its position. We recommend that Welsh Government - initiates a truly expert and independent, multi-disciplinary enquiry into the rapid, large increase in young people (especially girls) trying to opt-out of their birth sex, considering the reasons why and the services most required to address their needs; - reviews gender Identity pathways for children and young people, taking into account evidence globally; - pioneers watchful waiting as affirmation/ medical pathway can result in iatrogenic harm and regret; and - relates this issue to its consideration of mental health services, to ensure such support is directed to the best outcomes for individuals.
44	Continue to develop the Wales Gender Service with GPs able to initiate hormone therapy as part of the adult pathway	We do not support this recommendation. Prescribing and monitoring the use of cross-sex hormones is a specialist area of medicine and should not be undertaken by General Practitioners. It is unclear when a young person is eligible to become part of the adult pathway as some adult services see them at 17 and the current Gender Service accepts referrals from 17.5 years old. We know from the experience of detransitioners that a gate-kept and staged process towards medical transition is vital to prevent transition-regret. (See the evidence given to our joint

¹⁵ Reported at https://segm.org/Sweden_ends_use_of_Dutch_protocol. The Finnish health profession issued much stricter guidelines in 2020, as reported at <https://genderreport.ca/finland-strict-guidelines-for-treating-gender-dysphoria/>. Both countries have been pioneers in the field and are seen as international leaders in evidence-based good clinical practice.

		webinar with Merched Cymru on this Action Plan at https://www.youtube.com/watch?v=yrijogH-WAyg.) It is, as noted above, crucial that mental health support must be part of the pathway before hormones are administered. We are also concerned at the potential for manipulating GPs (and families) with threats of suicide and self-harm induced by widespread memes on social media but not obviously supported by the data. We strongly advise that promotion of affirmation and early medical intervention risks being misused as gay conversion therapy as set out in our response to recommendation 10. We believe that instead of this ill-thought-out reaction, any suggestion of ‘fast-track’ access to cross-sex hormone therapy should be removed. A gate-kept, staged and properly supervised pathway should be retained and strengthened with reflection time and mental health support built in.
45	Work with the Wales Gender Service to address public perception that there is disparity of access to gender identity services for non-binary people.	The Action Plan is unclear on the meaning of ‘non-binary’ while the glossary of terms is of little help. As a consequence, it is unclear about what gender identity services non-binary people might need, and hence what disparity of access is being addressed here. Is Welsh Government promoting access to some form of nullification surgery? (These surgeries, promoted in the US by plastic surgeons are sometimes called eunuch surgeries and remove external genitalia and nipples.) If so, we would suggest that a more effective and safer long-term option might be mental health support to allow them to reconcile non-adherence to gender stereotypes with the reality of their sexed bodies. We emphasise that non-binary people, under any possible definition and regardless of any surgery, will still have an immutable sex, and of course they need access to adequate and appropriate healthcare.

46	Consider establishing an NHS Wales-wide review on trans people's medical records, led by trans communities, to promote trans people's engagement with healthcare services, privacy, and quality of healthcare.	We recognise the need to review medical records. People changing their sex marker is leading to confusion and missed signs of health issues. It is our view that this must be led by medical professionals <i>in consultation with</i> trans communities. Any review must find a way to accommodate 'sex' as clinically relevant on medical records plus 'gender' as socially relevant (with clinical relevance if medical transition is undertaken). We support initiatives to promote engagement with and experience of healthcare services for trans people, but it must be evidence-based and acknowledge biological sex. Trans people must be supported to be able to acknowledge and accommodate their biological sex where it is relevant for their health needs.
Education		
47	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.	This recommendation is woefully incomplete and disingenuous, especially in the light of the many robust criticisms made during the recent consultation on the RSE curriculum. Yet again, we see no assurances as to the content, provenance or authority of proposed training. There are no assurances for what criteria will be used to ensure such case studies & learning materials are 'quality'. Welsh Government need to specify what they consider to be of high quality and if they are evidence-based and scientifically accurate. 'Strategic' should not mean confirmation bias and granting of contracts for gender identity theory's cheerleaders (all too many of whom are represented on the 'Expert Panel') without dissent.
48	The Welsh Government should ensure that training must also act to empower professionals to adequately support LGBTQ+ young people and tackle homophobic, biphobic and transphobic bullying, by embedding a rights-based approach.	The rights of children should of course be supported but again this recommendation is inadequate and the theory behind it implies a particular ideology. It is our view that Welsh Government should explicitly confirm and separate teaching biology, health, consent and rights. We particularly note the high numbers of trans presenting people also being autistic. It would be pertinent for staff to also be well trained in autism in order to 'adequately support' such young people.

		Where Welsh Government adopts a reliance on ‘rights’, such rights need to be explicitly stated and outlined to ensure they work alongside the legal duties of parents and their responsibilities for their child. For example, it is not a right for a child to be granted the ability to change their name and have the school even change their registered sex on school registers without their parents’ knowledge. This could result in schools unlawfully granting rights to a child over that of their parents or their legal guardians and risks legal action where families are torn apart unnecessarily. In this context, we urge Ministers to avoid even the appearance of conflict of interest. The documentation cites the AGENDA resource as something which ‘must’ be made available in all compulsory learning environments. The creator of the material sat on <i>this</i> ‘Expert Panel’ and appears to be promoting her own resource here. We have noted elsewhere the poor quality of the EIA. In particular, there is no recognition of the actual or perceived conflict with other groups sharing protected characteristics, eg the rights of learners of faith to undertake certain activities in sex-segregated environments.
49	The Welsh Government should provide a centralised suite of resources to help the families of LGBTQ+ young people.	There are no elements in this recommendation which recognise either an alternative perspective, the possibility of debate, or the emerging harms being inflicted on young people by gender extremist ideology. (See our response to recommendation 43 for the emerging evidence of clinical concern about the rush to affirmation and our alternative recommendations on this issue.) The only resource advertised in respect of this recommendation is FFLAG – an organisation which is steeped in gender identity theory. For example, its information booklets and downloads talk about young people being ‘assigned (sex) at birth’ and gives advice on medical pathways etc. Its website suggests the term ‘homosexual’ is offensive, while promoting the word ‘queer’. We utterly repudiate this abuse of language and promotion of slurs. FFLAG also links to other ideological organisations such as Stonewall, Mermaids, GIRES and Gendered Intelligence – all proponents of gender ideology.

		Such a recommendation (like others) might be acceptable if it linked to scientific and evidence-based organisations which genuinely sought to support children with gender dysphoria. Furthermore, the emerging evidence is that many children with gender dysphoria, if supported and enabled to go through puberty without blocking it, turn out to be gay/lesbian. Having resources which are single-mindedly based on the ideological tenets of gender identity, could be said to facilitate the conversion of many gay and lesbian children and young people. Alongside the risks of medicating children and introducing hormone treatment, we are strongly opposed to such dangerous practices as breast binding, promoted and endorsed by organisations supported by FFLAG. Again, we note that the 'new RSE' education document referenced in the documentation was overseen by a company, Recognition, owned by a prominent member of the 'Expert Panel'. Such an apparent conflict of interest damages not only the Action Plan but the reputation of Welsh Government. Finally, we remind Welsh Government that the Education legislation prohibits political or partisan teaching in schools. This entire ideology is deeply partisan and conflicted. Recent debates have illustrated its deeply political nature. It could be argued that the unthinking acceptance of this ideology renders the entire Education section of this plan unacceptable.
50	The Welsh Government to provide statutory national trans guidance for schools and local authorities.	This is an unbalanced recommendation, and the supporting documentation reveals its roots in gender theory. Any pointers to organisations <i>must</i> be scientific and evidence-based rather than rooted in a specific ideology. A properly evidence and supported code of guidance and documentation for schools on supporting pupils expressing conflicts about their sex and gender would be useful. Instead, Wrexham Council trans guidance is promoted as good practice; we have a great many concerns about this and similar toolkits promoted by councils such as Rhondda Cynon Taff and Vale of Glamorgan. Indeed, RCT has recently faced court action on precisely this issue. Guidance issued by Welsh Government must adhere to the law as it is (not as Stonewall or other lobbyists might wish it to be) and recognise the wide range of issues raised in this response.

51	The Welsh Government should continue to invest in hate crime prevention programmes in schools across Wales.	LGB Alliance Cymru is strongly opposed to this recommendation. It should be scrapped completely and replaced with robust, high quality, anti-bullying policies which have been evidenced by their success. Studying the documentation from the ‘Expert Panel’ reveals the intention to use ‘<i>programmes such as police liaison programmes or working with external practitioners to deliver workshops on hate crime prevention</i>’. (See our comments on recommendation 14 regarding the failure to define or even understand the nature of ‘hate crime.’) We note, for example, the conviction of an autistic teenager in North Wales for his vocal confusion over the sex of a trans police community support officer. (https://www.womenarehuman.com/autistic-teen-found-guilty-of-hate-crime-for-asking-police-officers-sex-autism-group-condemns-prosecution/.) The young man’s neuro-divergence was ignored in other media comment¹⁶ but is obviously relevant to understanding intersectional issues in creating a safe and inclusive Wales. The incident also illustrates the difficulty for teachers in an approach rooted in criminalisation rather than in understanding difference and addressing bullying. This recommendations risks criminalising children for objecting to an ideology they either don’t agree with or don’t believe in. It teaches children that differences of opinion and points of view are criminal, in direct contradiction to the importance of free speech to democratic renewal.¹⁷ The Equality Impact Assessment should address this issue, particularly with regards to the effect this may have on free speech and children’s ability to express any objections to certain tenets of ideology as a category of protected belief.
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¹⁶ For example, <https://www.walesonline.co.uk/news/wales-news/teen-prosecuted-after-asking-whether-17651755>

¹⁷ For a recent analysis of this relationship see <https://www.wcia.org.uk/blogs/democracy-under-attack-freedom-of-information-speech/>

		For example, Welsh Government should ask whether young people are allowed to reject gender identity ideology. What if a young lesbian rejects the advances of a trans-identifying boy? Will that be seen as ‘discriminatory’ or worse still, transphobic and therefore a ‘hate crime’? What happens to children with learning difficulties who find the complexities extremely difficult to grasp and retain? Children should be taught <i>how</i> to think (for themselves), not <i>what</i> to think (by others).
52	The Welsh Government should explore how they can support Colleges and Universities in Wales to develop and maintain LGBTQ+ inclusive environments, potentially through establishing an Excellence Mark to recognise best practice.	We are opposed to (another) scheme or marketing ploy designed to embed gender identity theory without critique. Welsh Government will have seen the increasing concern about the existing Champions Scheme run by Stonewall, not least the recognition that it promotes incorrect views on the legislation involved. (A detailed analysis can be found at https://legalfeminist.org.uk/2021/02/01/submission-and-compliance/.) We are concerned that setting an ‘Excellence Mark’, will utilise the model of the Stonewall Workplace Equality Index, which simply affords that group the opportunity to profit from such a system. Only Stonewall are put forward as an example to follow. Instead, Estyn should be sufficient to ensure best practice in Further Education, regarding LGBTQ+ inclusivity and other equalities matters. Universities should be free to operate within the law in order to maximise their own financial gains. An ‘Excellence Mark’ will potentially engender discriminatory ranking in terms of treatment of one group over another and enable institutions to capitalise on the ‘kudos’ of having that ‘mark’. We recommend that colleges and universities be encouraged to develop best teaching practice, where equality and diversity is embedded throughout the curriculum, while upholding core academic and democratic values of free speech.
53	The Welsh Government should consider options for the targeted funding of academic research into the experiences of the LGBTQ+ population of Wales.	The recommendation appears uncontroversial but we note that impartiality is lacking. The ‘Expert Panel’ states that <i>there remains a number of significant research gaps in regard to LGBTQ+ people’s experiences in Wales.</i> For once, we agree with them. However, we do not trust this Panel, or any volunteer-led successor, to oversee rigorous or useful research.

		The work done so far has been focussed heavily on the ‘felt identity’ of “queer” people, rather than the material reality of LGB people, many of whom reject the label, ‘queer’. There is no real evidence provided (beyond one focus group) of any effort to research the diversity of experience or opinion in Wales. Where there is research it is all too often, partial, lacking in quality or heavily biased. (See part 4 of this response.) If Welsh Government is to undertake or commission any further research into the experiences of LGBTQ+ individuals or communities in Wales, it must ensure it is rigorous and independent, and that it must consider issues such as selfID, gay/lesbian dating sites and single-sex spaces. If it claims to explore the experiences of all these diverse communities, it must do so honestly, rather than focusing only on the lives of one group.
54	The Welsh Government should work with Careers Wales to improve the delivery of specific careers support for LGBTQ+ young people.	We recognise that young people in the LGBTQ+ communities face specific challenges in deciding and entering their chosen careers. In that context, we welcome this approach. We are, again, concerned that there is no assurance of a broad range of approaches; the evidence base is narrow (relying on one Stonewall report) and leaving the issue with Careers Wales to sort out. We fear that this recommendation, rather than focusing on young people (especially post-Covid), was an afterthought on reviewing the life-journey model of the plan. We would welcome a broader review of this issue, related to our concerns about removing identifiers on recruitment, set out above at recommendation 11.
55	The Welsh Government should examine how well LGBTQ+ people can access lifelong learning opportunities.	We support this recommendation, in the context of our broad concerns about definition, free speech and data collection.
<i>Workplace</i>		
54	With support from Trade Unions, create a more homogenised approach to private workplace	We restate our conviction that authentication and validation of trainers is essential if Welsh Government is developing such materials. Otherwise, it is just backdoor brainwashing by self-

	training resources for workplaces to become more LGBTQ+ inclusive.	selected lobbying groups. We are particularly concerned to ensure that the law as it affects <i>all</i> groups who share protected characteristics is correctly and impartially represented.
55	Provide a resource detailing employment protections as well as employer responsibilities for upholding the rights of trans staff working in the private sector.	New material on employment rights must be accurate about all rights relating to protected characteristics, and how employers/employees should manage perceived or actual conflicts. We are deeply concerned that groups dominating the 'Expert Panel' are known to have produced misleading material, with damaging results for women, including lesbians. This was well explored in the report by barrister Akua Reindorf for University of Essex, written up at https://www.personneltoday.com/hr/stonewalls-diversity-scheme-accused-of-being-unlawful/. If Welsh Government are in any doubt about the concerns of many ordinary people about employment and free speech on this issue, it will be salutary to consider the October crowdfunder¹⁸ by Prof Jo Phoenix to support her case for harassment and discrimination against her employer, the Open University. That fund raised over £50,000 in three days from over 2000 people who (at the time of writing) pledged an average of just over £25 each – a long way from the insulting charges of imported money, or the possibilities of lucrative contracts for training or consultancy.
56	Promote the importance of the collection of diversity data to businesses in Wales.	Diversity data must be accurate if it is to be of any use. For example, Welsh Government cannot fulfil its commitments to measuring discrimination – including the pay gap - without recording sex. Welsh Government must ensure any promoted scheme reflects reality.
<i>Covid-19 response</i>		
57	Consider the distinct experiences of LGBTQ+ people including, explicitly LGBTQ+ children and young people as Wales comes out of lockdown and plan the post-COVID recovery.	We welcome the recognition of impact of the pandemic, especially on young people and those trapped in hostile environments with others who do not accept their sexual orientation or gender reassignment

¹⁸ https://www.crowdjustice.com/case/harassed-silenced-for-my-gender-critical-views/?utm_source=backer_social&utm_campaign=harassed-silenced-for-my-gender-critical-views&utm_reference=17589b4bc93a8fbd195ed4fd7bb0fb6c&utm_medium=Twitter&utm_content=post_pledge_page. These figures were collected at midday on 19 October 2021.

58	Consider undertaking a thorough investigation into how LGBTQ+ people in Wales have been impacted by the Coronavirus pandemic.	This recommendation should recognise the broader context and the population-wide challenges. All young people have been hard hit. We have seen big increases in assaults on women in their homes. We know black and ethnic minority communities have suffered. An intersectional plan will recognise how loneliness, fear, confinement, financial hardship, misinformation and illness have hurt us all in overlapping and distinct ways. We would welcome such research and actions taken to redress these inequalities.
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3. LGB Alliance Cymru replies to the 10 questions in the consultation template

Question 1

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

No.

This plan embeds an ideology which denies the reality and importance of sex and same sex attraction and therefore can only damage sex-based rights for lesbian, gay and bisexual people and for women. It uses insulting language but no definitions are provided throughout the plan, rendering it impossible to implement or evaluate.

The priorities for lesbians, gay men and bisexuals remain safety from harassment, fair policing, ending discrimination in employment, housing and health, and maintaining our boundaries and sexuality-specific rights and spaces. The priorities for women, also heavily affected by this plan, are the recognition of women as a sex-class disadvantaged under patriarchy.

Affirming young people into medicalised transition is an appalling policy which damages particularly young women and lesbians (on current evidence). We oppose affirmation therapy as the only permissible response to clinically presenting dysphoria.

Who is going to design and deliver the **training** proposed at several recommendations? Will they be impartial, expert, and chosen through proper procedures? We believe the proposals mean insidious brainwashing into extremist ideology rather than genuinely advancing equality.

Question 2

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

No.

The so-called overarching aims are internally inconsistent and undeliverable. 'Advancing equality' means nothing without meaningful, understood shared language; conflating sexual orientation and gender reassignment helps no-one and makes the recommendations on data collection impossible or disingenuous.

Any specific 'rights' being promoted here are fuzzy and undefined. If the right sought is self-ID (recommendation 9), the evidence (eg from Ireland and Canada) shows that this is bad for women, lesbians and gay men e.g. in prisons, hospitals and private spaces.

We seek recognition of diversity of experience and belief in the lesbian, gay, bisexual and trans communities, and among feminists. This plan allows for no change in view or recognition of emerging evidence (eg from detransitioners or clinicians).

It is unacceptable to formalise the so-called Expert Panel without **proper, Nolan-compliant procedures**. Government's own Freedom of Information responses and letters from Ministers reveal the Panel were volunteers - yet gender critical volunteers were rebuffed.

Question 3

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

Our responses to the recommendations are included in Part 3 of this document.

None of these proposals are achievable without accurate definitions, which are completely missing from the plan. The ones used in the 'Expert Panel' report are inadequate and misleading.

Fifty-eight recommendations, many flawed, cannot be addressed in one question. It is disrespectful and wrong of Welsh Government to construct the consultation in this way.

We absolutely oppose recommendation 9, to 'devolve powers in relation to gender recognition': to introduce self-ID by stealth. This removes our rights, as women or LGB people, to safety, privacy or dignity, or to set our own boundaries.

Question 4

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

Lack of definitions make data collection, implementation and evaluation impossible. Poor research means the baselines, where they are offered at all, are unreliable. Gender ideology, which underpins the aims and actions, is not founded in evidence or the material conditions of oppression. The whole plan is misconceived.

Ignoring and blocking disagreement (for example by refusing to meet with gender critical groups) and using insulting language (such as 'queer'), means these recommendations will not be accepted by substantial proportions of the communities Welsh Government says it is trying to help.

The lack of a properly evidenced and consulted-upon Equality Impact Assessment makes adoption of the recommendations vulnerable to Judicial Review. Welsh Government has not followed its own guidelines or evidenced regard to the Public Sector Equality Duty.

Overturning Nolan principles and promoting cronyism brings the whole plan into disrepute.

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?

Welsh Government should **start again**, rather than try to implement this plan. Welsh Government needs to develop guidelines for implementation of such plans which genuinely respect single-sex exemptions, rather than pay lip-service to those rights.

Resources include integrity, transparency and evidence to consult on and develop a plan or plans which genuinely address disadvantage on the basis of sex, sexuality or gender reassignment.

We note the significant disparity in resources allocated to groups with varying opinions on these controversial matters. Stonewall has been awarded £150,000 a year from 2017 – 2020 and £75,000

from April to September this year.¹⁹ This is on top of the Welsh Government's membership of 'Diversity Champions' scheme, which costs £6,000 a year, representing £66,000 since 2011/12. (These are of course grants and subscriptions: we have not been able to confirm the extent of training or consultancy contracts which might have been awarded to Stonewall during this period.) Stonewall Cymru has been intimately involved in the preparation of this plan, using public resources allocated without fairness or transparency. As evidence of their influence, ensuring their controversial ideology is at the heart of emerging policy, we point to:

- In July 2020 Jane Hutt and Jeremy Miles issued a 'Statement of Support in which they stated *'[w]e have provided funding to Stonewall Cymru to begin work engaging stakeholders to develop an updated Transgender Action Plan for Wales'*. We know Stonewall Cymru ran a survey of the LGBTQ+ communities later in 2020 and we understand they convened the focus groups. Despite this, Welsh Government has asserted that *'no external company has been granted the contract to oversee the LGBTQ+ Action Plan consultation'*²⁰ – a response at best disingenuous even if the agreement with Stonewall Cymru may not include the word 'oversee';
- The minutes of the 'Expert Panel' which show the organisation was at the heart of debate and profoundly influential. For instance, on 16 March 2021, the minutes record that *'Stonewall Cymru also appreciates the opportunity to **prepare** these recommendations'*²¹;
- Stonewall Cymru has actively encouraged responses to this consultation in line with their ideology, going beyond the normal good practice of enabling groups to comment on a democratic process. For example, Trans Aid promoted online and in-person events to guide people through the questions: at an online event on Thursday 14 October, of 10 attendees three were from Stonewall, including the organisation's director.²²

By comparison, we are not aware of any government resources allocated to gender critical groups and we have made clear that we were excluded from any role in preparing the plan. This detailed document, for instance, has been prepared entirely by volunteers, often offering significant expertise in specialised fields. We have not had the civil servant support that has been given to the 'Expert Panel'. This directly reflects the way in which LGB Alliance Cymru and other organisations and individuals have been rebuffed and dismissed by Welsh Government.

Proper procurement and evaluation of resources - eg in training - is necessary to ensure the impartiality, respect and evidence-base needed in education, health, policing and public service.

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?

Absolutely not. If anything, the plan is insultingly poor on the ways in which either sexual orientation or gender reassignment intersect with each other or other protected characteristics.

The consultation lacks genuine intersectionality. We have seen a statement²³ that focus groups included young people, older people, disabled people and people from Black, Asian and minority ethnic communities across Wales but only one group (of older people) is mentioned in the EIA.

¹⁹ Letter from Hannah Blythyn to Rebecca Evans 5 October 2021

²⁰ FOI response at <https://bit.ly/3aJC5zM>

²¹ FOI response at <https://bit.ly/2Z0LRuN> (emphasis ours)

²² Report given to LGB Alliance Cymru by an attendee

²³ Letter from Hannah Blythyn to Rebecca Evans 5 October 2021

There is no evidence of heterogeneity of opinion, of how different parts of Wales were represented, or what proportions of people of colour, women or others were engaged.

The Equality Impact Assessment pays no regard to the now well-articulated concerns of commentators about the impact on women of self-ID or the loss of single-sex spaces on lesbians.

There is minimal evidence of understanding or exploring the issues being raised in many quarters. (Also see part 4 of this document.)

The only reference to faith is at best naïve; for many people of faith, sex-segregation is an absolute requirement. Failures in segregation will debar people (especially women) from participation eg in sport. The belief that sex is real, immutable and important is protected in law; yet the EIA references this only to dismiss its importance and it is not reflected in the consultation or the plan itself.

The high prevalence of PTSD (including from sexual abuse), eating disorders and neuro-divergence among people presenting with gender dysphoria is completely ignored, undermining options for support around those disabilities whether in educational, health or other settings.

Within the 'LGBTQ+' acronym, the proposals are unbalanced. Within the recommendations alone there are 50 references altogether to 'lesbian', 'gay' or 'bisexual', but 121 to 'trans' or 'queer'. The imbalance is even greater in the 'Expert Panel' report and the plan as a whole: issues of sexual orientation are marginalised or lost completely.

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?

This plan redefines language (badly) in English to promote its ideology: we are not aware of any serious or expert attempt by first-language Welsh speaking same-sex attracted people to evaluate the impact of such change on them. There is no evidence of consultation with same-sex attracted people who are first-language Welsh speaking to understand their views on the use of words equivalent to 'queer' as an insult.

We are deeply concerned that the redefinitions imposed by the plan will adversely affect plain communications in health, education and policy: we have seen no evidence that any plain language assessment has been undertaken in English or Welsh.

We note that in May 2020 the Welsh government stated there would be no state-mandated change to the Welsh language and grammar as a result of the impositions in English. This was the right decision. Nonetheless, we have seen attempts by gender extremists to seek to introduce 'gender-neutral' language into Welsh (though never by first language speakers). We oppose the theory that the grammatical structure of the English language is morally superior to Welsh with its feminine and masculine genders and ask that existing principles of preserving Cymraeg be explicitly re-confirmed.

Welsh Government needs to explain why English language speakers are being treated differently, and disadvantageously, by being coerced into language with which they disagree.

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.

Welsh Government should stop contorting the meaning of words, particularly ‘sex’, ‘sexuality’, ‘gender reassignment’ in any language: it makes it even harder for Welsh learners to get to grips with the gender complexities of the 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.

It is unacceptable language. How can any government use language (‘queer’) which many of those to whom it supposedly refers find profoundly offensive?

Insofar as the acronym is comprehensible, it makes the whole plan invalid:

- it imposes a false and forced teaming of heterogeneous communities and allows no diversity of opinions and experience;
- It is impossible to evaluate policy impact across such a disparate group;
- Data collection will be profoundly compromised, especially when such a basic characteristic and powerful predictor of outcomes as sex becomes unreliable;
- data privacy and storage are unaddressed, especially regarding sexuality and sex;
- we have pointed to many of other the practical and community problems it creates

Even within the activist community supporting this language, many struggle to define their terms or manage the rapid introduction of new terms. It was instructive to listen²⁴ to the current Mayor of Bangor, Owen Hurcum, talking about the non-binary community, grappling with micro-labels such as ‘genderf-ck’ and how they might be understood in formulating public policy.

We oppose the Welsh Government’s redefinitions of ‘gender reassignment’ to include ‘gender identity’ or ‘gender presentation’: both are concepts rooted in stereotypes but without any legal definition or purchase. Welsh Government has even arbitrarily reinterpreted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) articles 1 and 2 to include people who are not women. (See part 4 of this response). The exact aim of CEDAW is to redress the adverse effects of patriarchy on women, identified as a sex. Precise language, especially in legislation, is crucially important to democracy, justice and equality.

²⁴ The Nolan Investigates podcast Episodes 4 and 8

In Cymraeg we assert #rhywnidrhwydd and in English, #sexnotgender. Government policy should reflect the law, which recognises sexual orientation, sex, and gender reassignment. There is no accepted, legally defined 'gender identity'. This language should not be used.

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.

Practical implementation and guidance are missing and not even hinted at in this plan. Welsh Government must produce clear guidance for service providers on how single sex exemptions and other sex-based rights will be upheld. We have set out more concerns on this subject in Part 1 of this response.

4. Our views on the process of preparing the plan, including comments on the consultation processes and the equality impact assessment.

Research and methodology

We are deeply disappointed at the poor methodology and lack of genuine research underpinning the plan. Whether in the plan itself, the report of the 'Expert Panel' or the Equality Impact Assessment, we note that:

- References are few and often circular or self-serving eg Stonewall referencing itself rather than independent and/or peer-reviewed material;
- Statistics are often misleading or poorly used – eg self-selecting cohorts, no blind comparisons. The Stonewall Cymru Survey (heavily relied on) has not been found: we cannot judge its scale, validity, intersectionality, reach etc. At different points, different numbers are given for the size of response.
- No challenge is allowed to ideology: despite repeated requests, other LGB groups, women's groups, detransitioners, health-care professionals and education professionals were *excluded* from this process, making all the research and methodology (at best) incomplete;
- Communications were limited - eg how were focus groups publicised or selected? We emphasise that no-one in LGB Alliance Cymru was invited or allowed to take part;
- We have no idea what efforts were made to ensure different parts of Wales (including a rural/urban split or first language Welsh speakers) were properly consulted and represented in the research base;
- It cannot be true that the recommendations represent a consensus of opinion given the exclusion of alternative positions.

The poverty of the evidence base is a key reason why Welsh Government should withdraw this plan and start again with honesty, integrity and a genuine ambition to understand the wishes and experiences of same-sex-attracted people in Wales.

Expertise, independence and objectivity

The so-called 'Expert Panel' is not expert. Neither is it independent or objective. The approach of Welsh Government on this matter is deeply disappointing to anyone who wishes to see a resilient, democratic Senedd flourish. The use of 'volunteers' smacks of the worst kind of cronyism, exposing the Government and Wales to criticisms and ultimately damaging devolution.

We must strongly challenge Welsh Government's excessive and exclusive reliance on Stonewall. Many LGBAC members were strong supporters of the group, but in the last few years it has lost sight of its founding principles and no longer represents many same-sex attracted people. If Welsh Government is in any doubt about the impact of their over-reliance on the propriety of decision making or the reputation of Senedd, we advise listening to the excellent Nolan Investigation²⁵, released during the consultation.

It is utterly unacceptable that the entire process has relied so heavily on a single, highly controversial, lobbying group. However, we recognise that it will be Welsh Government and Senedd

²⁵ Especially episode 6 on the closeness of Stonewall to government

which make the decisions, so we urge you to widen the evidence and consultation basis of your work on these issues.

We would add the following points:

- The normal public appointments process was not used for the Panel steering this plan²⁶. Why not? It was self-selecting from a small group of organisations. (To compare, an extensive, inclusive process informed the consultation for the Race Equality Action Plan.)
- Conflicts of interest abound: eg the Education section promotes the AGENDA resource (for relationship and sexuality education) directly conflicting with a Panel member's independence as they created it;
- No gender critical views were allowed: LGB Alliance Cymru, Merched Cymru and other individuals and organisations repeatedly asked to be involved and were refused
- There has been no clarity on selection process for the recommended permanent Panel to oversee implementation, described as an extension of the one dominated by Stonewall. There is no guarantee of independence or expertise, or adherence to the Nolan Principles. How would the Panel influence other appointments eg the proposed Pride Commissioner or the training procurement for police, schools or the NHS;
- We repudiate the uncritical acceptance of puberty blockers and affirmation-only therapy by many Panel members despite increasing national and international medical and legal concern about these interventions: this position undermines objectivity and expertise from the Panel; and
- We have seen frequent behaviour and abuse inappropriate to 'Expert Panel' members and those advising government: the co-chair and several members have openly insulted relevant groups eg LGB Alliance Cymru and Women's Place UK and abused individual members of those groups privately and publicly. Such language and exclusion radically undermine government's reliance on this report and plan.

We attach as an appendix our submission to the UK Government's examination on Standards in Public Life in January 2021, demonstrating our long-standing grounds for concern on this issue.

Preparation of an Equality Impact Assessment and what has been provided:

Welsh Government cannot claim that either it was not reminded about the importance of an Equality Impact Assessment, nor our desire to ensure it was well informed.

On 6 November 2020 we wrote to the then Counsel General asking him to ensure there was a robust EIA in place for the then proposed Action Plan. We said then:

*We are sure you accept that it is simply not sufficient to say that a proposal improves provision for one group, but not consider any possible conflict with other groups. We would therefore like to understand **how the risks and benefits to lesbians, gays and bisexuals from Welsh Government proposals** are being considered in the development of relevant policies, what is considered acceptable evidence, and how any risks or disbenefits are being addressed.*

²⁶ Answer to an FoI request September 2021 and responses to enquiries to Ministers.

To be clear, the Guidance describes eight steps to a robust EIA. We highlight that the Guidance includes the expectation that those responsible for such assessments will:

- *Make a list of stakeholders (both internal and external) and to what degree they are impacted by the policy*
- *Ensure the EIA is robust and provides extensive evidence on the policy and impact in the practice*
- *Analyse past research, case studies, employment statistics, data sets, reports, audits, feedback, surveys, etc. surrounding each protected characteristic group*
- *Establish if the data is representative of all groups*
- *Ensure all protected characteristic groups are addressed*
- *Consider how the policy affects different groups of people, including those who share one or more protected characteristic*
- *[Where there are negative impacts to recommendations] show necessity and proportionality*
- *[Make assessments] available in full if requested by members of the public or stakeholder organisations*
- *Specify a system of monitoring, to be reviewed on an annual basis (obviously only possible if the initial research and consultation is adequate)*
- *ensure the monitoring system is appropriate and properly evaluates the effect of the policy on relevant groups*

We have seen very little evidence that this guidance is being followed in respect of policies promoting equality of opportunity around gender reassignment. It is clear from research, analysis and even from social media scans that there are issues being raised around sex, faith, disability, sexual orientation and age. Yet we are not aware of a single attempt to ensure adequate consultation with organisations representing those specific protected characteristics.

The guidance makes clear that any Impact Assessment relies on evidence, including data. We are increasingly concerned at data collection which omits 'sex' in favour of the increasingly woolly notion of 'gender' or 'gender identity'. Just this month the organisation set up by government to promote equality for women has enthusiastically defended its use of gender identity and refused to allow for any differentiation between natal and trans women. How can such data be considered robust in developing policies regarding issues such as sexual health or trafficking?

Not only is this poor practice, but it also opens the door to costly and time-consuming Judicial Review of decision making, which as Counsel-General you will obviously wish to avoid.

LGBA Cymru shares the widespread concerns about the apparent loss of any equality impact assessment related to the Welsh Government Transgender Action Plan 2015. We understand that the Deputy First Minister has accepted that this record keeping fell short of expected standards. We would be interested to know what steps have been taken to avoid such an egregious loss of important, legally required documents in the future.

In January 2021 we wrote to the Equality Branch setting out (again) our concerns that there be adequate consultation and impact assessment on the Action Plan. In relation to an EIA, we asked:

- *How do you know your data regarding lesbians, gays and bisexuals is representative given that you know there are different experiences and views within our communities which are not being captured by the Stonewall approach?*
- *What differential and potentially adverse impacts have been identified from any policy proposals and what steps will you take to eliminate, mitigate or justify them? For example, Stonewall has advocated removing single sex exemptions, a matter of great interest to many lesbians.*
- *What engagement has taken place so far during the EIA process?*
- *How do you propose to undertake robust and meaningful monitoring, especially given that Stonewall has repeatedly sought to undermine the importance of monitoring sex? We strongly consider monitoring biological sex to be fundamental to ensuring the aims of EA2010 are met in regard to the protected characteristic of sexual orientation.*

We followed this up on 8 March, International Woman's Day, again asking for Ministers to ensure that there was proper research and consultation.

These letters, and many others, emphasise that Welsh Government has been very well aware that there is significant public debate and concern over elements of the proposed Action Plan. They have had clear guidance from groups representing women, parents, children, lesbians, gay men, bisexuals and faith groups (that we know of) asking for engagement *during development of the Plan*, and proper, evidence-based impact assessment.

Yet none of this exists. The EIA was not even published until a Freedom of Information request was made, in itself indicative of limited 'ongoing regard' for the Public Sector Equality Duty

There is very little evidence of genuine, Welsh-based research in the EIA. One focus group is mentioned and otherwise there is almost complete reliance on the testimony of the volunteers making up the 'Expert Panel'. The EIA denies there are any 'negative impacts' despite many voices pointing to concerns and experiences.

We are particularly concerned that there is no reference in the EIA to safeguarding vulnerable people (women, elders, children) from abusers who will use any means available to reach them. Any potential impact of opening access to protected spaces is denied, despite the evidence of increased assaults in (for instance) prisons, wards and changing rooms.

The EIA does contain many citations or references to international documents: citations are no substitute for engagement. This is particularly important when, for example, the Welsh Government cites CEDAW, yet has unilaterally changed its definition:

Welsh Government is bound by its international human rights obligations to eliminate all forms of discrimination against women on the basis of sex and gender (Articles 1 and 2, CEDAW²⁷).

To ensure no-one is left behind, our use of the term 'gender' encompasses women, men and non-binary people and in no way diminishes our commitment to address the inequalities faced by women and girls.²⁸

²⁷ See <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>. The word 'gender' is not used in the Convention's 30 Articles.

²⁸ Letter from Hannah Blythyn to Rebecca Evans 5 October 2021.

We are not aware of any public consultation or discussion on this use of the word ‘gender’, which does not reflect the CEDAW wording. This is the same approach to the purported redefinition of ‘gender reassignment’ noted above and repudiated by the EHRC. Such sleight of linguistic hand directly adopts Stonewell’s ideological approach to selfID and inclusion of trans and non-binary people under the heading of women. Such misrepresentation shows the poor quality of this EIA.

This EIA fails to address core issues raised by the Action Plan:

- Can selfID ever be an acceptable legislative and policy approach;
- If it is used, what safeguards will be in place for vulnerable people, especially but not only those sharing other characteristics protected by legislation;
- How does Welsh Government expect to enable organisations and individuals to address perceived or actual conflicts of rights from such an approach;
- What will Welsh Government do to ensure its impact assessments meet its own guidelines and properly reflect the concerns and experience of other groups; and
- How will it evidence its own independence and rigour in creating new policy given the clear over-reliance on one lobby group in this matter?

Appendix 1: **SUBMISSION BY LGB ALLIANCE CYMRU TO THE UK GOVERNMENT ENQUIRY INTO STANDARDS IN PUBLIC LIFE: JANUARY 2021**

Consultation Questions:

Question 1: Standards of Conduct in the UK

A. How well do you think ethical standards - as enshrined by the Seven Principles of Public Life - are upheld in public life today?

1. We are based in Wales: while we recognise there are some differentiating features in our standards regime, the core Nolan principles, particularly *openness*, *objectivity*, *honesty* and *accountability*, remain at the bedrock of our expectations. We do not believe that these are being systematically upheld in the conduct of public bodies in policies and development affecting lesbians, gay men and bisexuals. The lack of robust principles can particularly be seen in government and local government.

B. Do you believe that there have been any notable shifts in approaches or attitudes to ethical standards in public life in recent years?

2. Yes.

(a) social media has made a huge difference. In particular, too many politicians seem to be satisfied with tweeted responses to enquiries, often dismissive or worse in tone. We hear many examples of Members of the Senedd and the UK Parliament, and local representatives, who appear to have lost sight of the need for *objectivity* rooted in robust understanding of evidence, preferring instead a hasty, short form view driven by their own media bubble.

(b) we are concerned that correspondence appears to go missing from some politicians' offices, with patchy evidence of 'screening' by staff members to manage views that they believe or know their politician finds challenging, or where their politician disagrees with their own views. We know of at least one politician who has had to set up private channels to discuss these issues with constituents because that politician cannot trust their party staff. This is far from *transparent* or *honest*. We do not yet have proof of this but it has happened too often to be pure coincidence, with correspondence from organisations and individuals.

(c) We know of numerous occasions when carefully-considered emails and letters on important issues have been ignored by the recipient or, at best, have received a template 'non-answer'. This challenges belief in *Leadership*, the requirement that public officials are taking responsibility for the statements made in their name, and that they take seriously the concerns of constituents.

C. What do you see as the most significant threats to ethical standards in public life today?

3. There are many and varied threats to ethical standards, not least a culture which has lost sight of evidence and truth in all too many debates. Our particular concern as an organisation is the influence of opaque and partial lobby groups operating at all levels of government, and which are often funded by government in a clear effort to deflect responsibility. This deflection undermines *openness*, *accountability* and *integrity*. We are most affected by and concerned about Stonewall.

4. Stonewall have damaged the purchase of the Equality Act 2010 and hence *integrity* and *leadership*:

(a) by calling for 'a review of the Equality Act 2010 to include 'gender identity' rather than 'gender reassignment' as a protected characteristic, and to remove exemptions, such as access to single-sex spaces. This was in their evidence to the Maria Miller review of the GRA, which has since been removed from their website although they have never made any public statement resiling from this attack. This is a direct failure of *openness* and *honesty* and should give cause for concern to any public official relying on their advice.

(b) by failing to uphold the legitimate concerns of lesbians (in particular), gay men and bisexuals about the erasure of the reality of biological sex, and hence the fundamental importance of same sex attraction. Sexual orientation is also, of course, a protected characteristic. It is a failure of *leadership* by politicians not to respond to the concerns of groups such as ours on this matter.

(c) by failing to support lesbians who have experienced major and life-changing challenges as a result of the affirmation policy this group, and many politicians, enthusiastically endorse. This is clear in their response to the Bell review, for example. In our correspondence with Welsh Government on this matter, there has been limited recognition of those concerns and we have received the kind of dismissive replies identified above. We believe this demonstrates that lobby groups, in this case Stonewall, have undermined the *objectivity* and *accountability* of public bodies.

5. Stonewall are well paid by government for their ‘services’, a position which significantly undermines the *objectivity, accountability, honesty and openness* of bodies acting on their advice to the exclusion of other views. And it suggests that Stonewall itself, while not a public body strictly speaking, cannot be said to be *selfless or objective* in its claim to lead our communities. Through membership of ‘champion schemes’, training (often misleading) in the law, and research/consultation, we know that Stonewall receives over £150,000 p.a. from Welsh Government, and works closely with the Minister for Women and Equalities and the Equalities Office. Welsh Government is a Stonewall Diversity Champion. We are still exploring just how much the group receives from the public sector as a whole in Wales.

6. There are several direct failures of *leadership, openness and objectivity* clear in Welsh public life as a direct result of this lobby group’s approach. (We note that Welsh Government has an excellent Good Practice Hub for equality impact assessments, which should be proportionately followed in all cases where the Public Sector Equality Duty applies.) There are many examples of the considerable power wielded by Stonewall in Wales which is undermining public officials’ adherence to the Nolan principles which are being routinely ignored in relation to this organisation.

Examples include:

(a) Welsh Government’s 2016 Transgender Action Plan (written in consultation with Stonewall and other trans lobby groups) proposed to end single-sex provision in refuges, homeless hostels, changing rooms and sports. No women’s groups were consulted. (LGB Alliance Cymru did not exist then, but we are aware of the position of many women’s groups at the time.) It took several FoI requests (itself a significant failure of *openness*) to achieve the admission that the Equality Impact Assessment – which, one hopes, would have highlighted the problems and potential illegality of ignoring the protected characteristics of sexual orientation and sex – had been ‘lost’ in both languages. This is simply not credible: at the least there should have been drafts for consultation. No paper/digital trail exists to suggest that an EIA had even been considered, let alone completed.

(b) In 2020 the UK government decided not to undertake major reform of the GRA - an outcome which we, along with many other organisations and individuals, support. Despite correspondence making that support clear, Welsh Government put out a statement decrying the decision and committing to the production of a new Action Plan, initially for transgender people. The remit was subsequently amended to also include the LGB community. Again, it has taken FoI requests to show that the statement and subsequent action were at the specific behest of Stonewall Cymru who requested and chaired the meeting with Welsh Government’s Women and Equalities Minister and the Counsel General for Wales. In spite of repeated requests, we at LGB Alliance Cymru who are directly subjects of this ‘Plan’ have not yet been asked to contribute. The draft Action Plan is due to be published at the end of March 2021. We see this as a major breach of *objectivity, accountability, openness and leadership*, besides being profoundly discourteous.

(c) Stonewall and Stonewall Cymru continue to lobby for biological males to have access to female sports at all levels, and for changing rooms to be mixed-sex (‘gender-neutral’). This is in spite of extensive evidence published in 2020 by World Rugby that unequivocally demonstrated that this threatens the safety and dignity of women and girls, and is clearly unfair. It also contradicts the philosophical principle of sequential harm in considering such issues: the first priorities for sports are safety and fairness. There is a repeated mantra by lobby groups and institutions they have captured that anyone opposed to this approach is stopping trans people playing sport: this is *objectively* untrue. It requires people to play sport in the class of their biological sex where this is intrinsic to safety and fairness. For many lesbians and gay men, in different ways, sport has been a crucial part of their journey to self-fulfilment and participation in civic society: it is *dishonest* of public bodies to suggest this issue does not matter.

(d) We have members who have challenged local authorities’ adherence to the Equality Act in, for example, guidance to schools regarding affirmation and curriculum advice on gender and sexuality. Those members have experienced various methods of being silenced or ignored by public officials, in defiance of the principles of *integrity and openness*. In at least one case, senior figures in Stonewall openly attacked those members, including in person at meetings and on social media, supported by elected officials in those channels. This is a clear breach of *leadership, objectivity and integrity*.

7. We are a fairly new, grassroots group of lesbians, gay men and bisexuals from across Wales who are working to support and uphold our rights, culture, boundaries and presence provided for in the Equality Act 2010. Our access to government, as constituents or as an organisation, is minimal or non-existent. We are completely dependent on donated time and small sums to support our work, in sharp comparison to the large budgets available to Stonewall.

Question 2: The Seven Principles of Public Life

A. Do the Seven Principles of Public Life accurately describe the appropriate ethical responsibilities for those in public roles, including both political and non-political office-holders?

Yes.

B. Would you amend or replace any of the principles or their descriptors? If so, how?

No.

Question 3: The UK's arrangements for regulating standards

A. Are you confident that the UK's arrangements for regulating ethical standards are robust and effective?

7. Clearly not. As noted, Welsh Government has an excellent protocol in relation to the importance of Equality Impact Assessments. Their behaviour in relation to the 2016 Transgender Action Plan demonstrates that this was completely ignored. We have given numerous examples of specific breaches of the standards.

B.

C. Are there any areas of public life where regulation on issues of ethical standards is not strong enough?

See below – we consider this a matter of culture, expectation, transparency and fairness as much as one for enforcement.

Question 4: Best practice in standards regulation

A. What makes an effective standards regulator?

B. Do the UK's standards regulators have the right powers and remit to act effectively?

C. Should the independence of standards regulators be enhanced and protected, and if so, how?

Question 5: Creating ethical cultures

A. How can the Seven Principles best be embedded within a public sector organisation's working culture?

12. We support the call that public sector organisations participate in an annual Ethical Culture Champions submission, with related training, resources and expectations.

It is ironic to note that the capacity of such an holistic approach to change culture and behaviour can be seen in the Stonewall Diversity Champions campaign which, unfortunately for many LGB people, has seriously undermined the Nolan principles in government.

What are the most significant obstacles to embedding high ethical standards in a public sector organisation?

13. In this context, the behaviour of lobby groups. (Many of our members would also point to the failure of ensuring honesty and adherence to truth in public communications on a wide range of subjects.) Excessive reliance on lobby groups, particularly Stonewall, has led to the failure to properly engage with those impacted by decisions and actions of public sector organisations. 'Cancel culture' and 'no-debate' directly undermine democracy and good decision-making.