

3 April 2023

Dear

## **FOI Request – ATISN 17240– RB – LGBTQ+ Action Plan – 06-03-2023**

### **Information requested**

Thank you for your request which I received on 6 March 2023. You asked for:

1. Please provide your equality impact assessment for the LGBTQ action plan.
2. Please provide your Welsh language impact assessment for the LGBTQ action plan.
3. By what date will the government seek the devolution of powers in relation to the Gender Recognition Act? Please provide any timelines or documentation about the area.
4. Please provide any action plans for identifying, safeguarding and signposting LGBTQ+ people in claiming asylum.
5. When did Wales a Nation of Sanctuary become inclusive of LGBTQ+ people, given the ongoing deportations by the Home Office? Please provide the date and any documentation, such as minutes, that declare the inclusivity.

### **Our response**

1. We have enclosed a copy of the Equality Impact Assessment as an appendix to this letter.
2. The Welsh Language impact assessment is available at [LGBTQ+ Action Plan for Wales: integrated impact assessment | GOV.WALES](#)
3. We do not hold information on the date or timeline of when the Welsh Government will seek the devolution of powers in relation to the Gender Recognition Act.
4. The Nation of Sanctuary Refugee and Asylum Seeker Plan is published at [Nation of Sanctuary Refugee and Asylum Seeker Plan \(gov.wales\)](#). This plan is LGBTQ+ inclusive in accordance with the commitment in the LGBTQ+ Action Plan.
5. The Nation of Sanctuary Refugee and Asylum Seeker Plan has been inclusive of all refugees and asylum seekers since publication. However, the LGBTQ+ Action Plan lays out in more detail how that inclusion applies in the case of LGBTQ+ refugees and asylum seekers. The LGBTQ+ Action Plan was published on 7 February 2023.

We do not hold information on the removal or deportation of refugees and asylum seekers as this is a reserved matter and decisions are made by the UK Government, specifically The Home Office.

### **Next steps**

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

**Appendix: Equality Assessment for LGBTQ+ Action Plan**

Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

Consideration should be given to the following questions. Please consider whether there are possible impacts for subsections of different protected characteristic groups.

- ◆ How will the proposal promote equality (Please see the general duties)?
- ◆ What are the possible negative impacts on people in protected groups and those living in low income households and how will you mitigate for these?
- ◆ What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?
- ◆ Share your EIA wider within Welsh Government, ask colleagues to consider unintended impacts.
- ◆ How have you/will you use the information you have obtained from research to identify impacts?
- ◆ How will you know if your piece of work is a success?
- ◆ Have you developed an outcomes framework to measure impact?

RECORD OF IMPACTS BY PROTECTED CHARACTERISTIC:

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	Positive  Some actions within the plan will provide a direct and positive impact on children and older people	The initial development and drafting of the plan considered the needs of older LGBTQ+ people and supported their involvement in decision-making through a specific virtual roundtable discussion group. Some key messages emerging from these discussions centred on the need to improve older LGBTQ+ people’s lived experiences of the health and social care settings, addressing potential trauma of conversion therapy and tackling loneliness. Therefore, a range actions within the draft plan, particularly those	Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.

		relating to LGBTQ+ healthcare, support the rights-based approach laid down by the UN Principles for Older Persons and aims to ensure older LGBTQ+ people feel their dignity is protected, have their identities respected and are able to live their lives to the full.	
Disability	<p>Positive.</p> <p>While the LGBTQ+ Action Plan is the first policy framework to focus on the specific needs and vulnerabilities of LGBTQ+ people, it forms part of a wider approach to mainstream equality and strengthen human rights protections for everyone. As such, it should be read alongside our Strategic Equality Plan, Anti-Racist Wales Action Plan, Action on Disability and Disability Taskforce, and Gender Equality Review. The LGBTQ+ Action Plan sets out a range of actions intended to improve public sector understanding of LGBTQ+ issues.</p>	The LGBTQ+ Action Plan should be read alongside Action on Disability. Policy officials and teams involved in the delivery of the plan and the Disability Taskforce have worked together to make sure that areas with intersectional impacts can be delivered in an effective and efficient manner.	Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.
Gender Reassignment (the act of transitioning and Transgender people)	<p>Positive</p> <p>The LGBTQ+ Action Plan acts as the coordinating framework for LGBTQ+ policy development across government. It sets out the concrete steps we propose to take to</p>	Welsh Government commissioned an independent LGBTQ+ Expert Panel to provide recommendations for an LGBTQ+ Action Plan. Officials have worked across Welsh Government in drafting	Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.

	<p>improve the life conditions of LGBTQ+ people, to challenge discrimination and to create a society where LGBTQ+ people are safe to live and to love authentically, openly and freely as themselves.</p>	<p>an Action Plan that met as many of those recommendations as possible</p>	
<p>Pregnancy and maternity</p>	<p>Positive</p> <p>The Action Plan makes provision for improvements in maternity and fertility services for LGBTQ+ people.</p>	<p>Welsh Government acknowledges that delivery in this area is provided by Welsh Health Special Services Commissioners (WHSSC). Policy officials have already worked with WHSSC to ensure that the needs of LGBTQ+ people who access maternity and fertility services are considered in an ongoing review of services.</p>	<p>Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.</p>
<p>Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)</p>	<p>Positive</p> <p>The LGBTQ+ Action Plan has taken account of intersecting LGBTQ+ and Black, Asian and minority ethnic communities. The LGBTQ+ Action Plan sets out specific actions to improve police relations, tackle hate crime and to better support LGBTQ+ refugee and asylum seekers. Implementation of these actions will improve recognition of LGBTQ+ refugee and asylum seekers and ensure that appropriate housing and support arrangements better</p>	<p>The LGBTQ+ Action Plan should be read alongside the Anti-Racist Wales Action Plan. Policy officials and teams involved in the delivery of both plans have worked together to make sure that areas with intersectional impacts will be delivered in an effective and efficient manner.</p>	<p>Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.</p> <p>The implementation of the plan will be monitored closely and reported annually</p>

	reflect needs – benefiting living		
Religion, belief and non-belief	<p>Positive</p> <p>The LGBTQ+ Action Plan intends to take an intersectional approach and build on the existing work of faith leaders in Wales to promote LGBTQ+ inclusion and support many LGBTQ+ people to express their own faiths or beliefs.</p> <p>The LGBTQ+ Action Plan takes account of intersecting identities with regard to beliefs, faith and religious freedoms. The Plan sets out actions to improve LGBTQ+ inclusion in faith communities. A proposal to ban conversion therapy practices may curtail a qualified right to manifest a religious or philosophical belief. However, potential interference with this qualified right may be justified in a democratic society on the grounds of public safety, health or morals, or protecting the rights and freedoms of others.</p>	<p>The LGBTQ+ Action Plan sets out our ambition to be the most LGBTQ+ inclusive country in Europe. This means we must pursue systemic cultural change and progress in creating an LGBTQ+ inclusive Wales. LGBTQ+ people have the right to be feel safe at home, in school, in the workplace and in the wider community. This includes supporting faith communities to be inclusive of LGBTQ+ people. The LGBTQ+ Action Plan intends to take an intersectional approach and build on the existing work of faith leaders in Wales to promote LGBTQ+ inclusion and support many LGBTQ+ people to express their own faiths or beliefs.</p> <p>The LGBTQ+ Action Plan may affect matters concerning freedoms of expression on the grounds of belief and faith. However, while the right to hold a belief is absolute, the right to manifest a religious or philosophical is a qualified one. The plan's interference with the latter may be necessary in a democratic society in the interest of public safety, health or morals, or protecting the rights and freedoms of others.</p>	<p>Welsh Government will continue dialogue with faith communities in Wales. A proposed action in the draft plan sets out a commitment to secure improve LGBTQ+ representation on other equality forums. This will help the consideration of intersecting identities and foster positive relations with between those who shared a particularly protected characteristic with those who do not.</p>

Sex / Gender	<p>Positive</p> <p>No negative impacts identified. The plan does not seek to amend provisions that relate to single-sex spaces. Schedule 3 of the Equality Act 2010 already allows trans people to be excluded from single-sex services under certain circumstances<sup>1</sup>. However, such exclusion should be considered on a case-by-case basis and should only be exercised as a proportionate way of achieving a legitimate aim.</p> <p>The Welsh Government considers support for trans people and publishing an LGBTQ+ Action Plan will not result in the erosion of the rights of cisgender women and girls.</p>	<p>The Welsh Government has assessed the potential impacts on women's rights and, in considering provision set out in Schedule 3 of the Equality Act 2010, is of the view that support for trans people and publishing an LGBTQ+ Action Plan will not result in the erosion of the rights of women and girls. Instead, the draft LGBTQ+ Action Plan forms part of our approach to strengthen equality and human rights protections for everyone. Extending non-binary and trans-inclusive protections through the LGBTQ+ Action Plan sits in line with the obligations laid down by the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>2 3</sup>.</p>	<p>Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.</p>
Sexual orientation (Lesbian, Gay and Bisexual)	<p>Positive.</p> <p>The Welsh Government wants all LGBTQ+ people in Wales to live as full lives as possible – to be healthy, to be happy and to be safe. The LGBTQ+ Action Plan will act as the</p>	<p>The LGBTQ+ Action Plan will be a major contributor to how the Welsh Government exercises its Public Sector Equality Duty function under section 149 of the Equality Act 2010. While this is the first policy framework to focus on</p>	<p>Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.</p> <p>The implementation of the plan will be</p>

<sup>1</sup> Para. 28, Schedule 3 of Equality Act 2010 -

<https://www.legislation.gov.uk/ukpga/2010/15/schedule/3>

<sup>2</sup> UN OHCHR (1979) *Articles 1 and 2 of UN CEDAW* <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>3</sup> UN Committee on the Elimination of All Forms of Discrimination against Women (2010) General Recommendation No. 28 on the core obligations of State parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

	<p>coordinating framework for LGBTQ+ policy development across government. It will set out the concrete steps we propose to take to improve the life conditions of LGBTQ+ people, to challenge discrimination and to create a society where LGBTQ+ people are safe to live and to love authentically, openly and freely as themselves. Actions will include policy measures across a broad range of areas including strengthening human rights protections, education, personal security, health and social care and culture and sport, and the workplace.</p> <p>The LGBTQ+ Action Plan acts as the coordinating framework for LGBTQ+ policy development across government. It sets out the concrete steps we propose to take to improve the life conditions of LGBTQ+ people, to challenge discrimination and to create a society where LGBTQ+ people are safe to live and to love authentically, openly and freely as themselves.</p>	<p>the specific needs and vulnerabilities of LGBTQ+ people, it forms part of a wider approach to mainstream equality and strengthen human rights protections for everyone. As such, it should be read alongside our Strategic Equality Plan, Anti-Racist Wales Action Plan, Action on Disability and Gender Equality Review.</p>	<p>monitored closely and reported annually</p>
Marriage and civil partnership	<p>Neither positive or negative impact</p>	<p>No marriage or civil partnership rights are affected by the LGBTQ+ Action Plan.</p>	<p>N/A</p>
Children and young people	<p>Positive.</p>	<p>This is examined in detail by the Children's</p>	<p>Continue engagement with stakeholder groups and Advisory Group</p>

up to the age of 18		Rights Impact Assessment.	during the implementation of the Plan.
Low-income households	<p>Positive.</p> <p>The draft LGBTQ+ Action Plan proposes a broad range of actions across various policy areas to address socioeconomic disadvantage and inequalities of outcomes experienced by LGBTQ+ people. For example, LGBTQ+ people face additional barriers accessing the workplace and fair work conditions. The action plan sets out proposals which intend to improve understanding of LGBTQ+ people in the workplace and help to challenge discrimination they may face.</p> <p>Increased opportunities for LGBTQ+ people's participation in society, including economic participation may be a consequence of implementing the plan.</p>	<p>A significant amount of evidence sources has been considered throughout the development of LGBTQ+ Action Plan and the Independent LGBTQ+ Expert Panel – these have identified a broad range of socioeconomic factors and inequalities affecting LGBTQ+ people.</p> <p>Policy teams have worked with evidence units throughout the drafting of the plan to ensure that the evidence used was robust and accurate.</p>	<p>Continue engagement with stakeholder groups and Advisory Group during the implementation of the Plan.</p>

## SEXUAL ORIENTATION AND GENDER REASSIGNMENT

The Welsh Government wants all LGBTQ+ people in Wales to live as full lives as possible – to be healthy, to be happy and to be safe. The LGBTQ+ Action Plan will act as the coordinating framework for LGBTQ+ policy development across government. It will set out the concrete steps we propose to take to improve the life conditions of LGBTQ+ people, to challenge discrimination and to create a society where LGBTQ+ people are safe to live and to love authentically, openly and freely as themselves.

In doing so, the plan will be a major contributor to how Welsh Government exercises its Public Sector Equality Duty function under section 149 of the Equality Act 2010. While this is the first policy framework to focus on the specific needs and vulnerabilities of LGBTQ+ people, it forms part of a wider approach to mainstream equality and strengthen human rights protections for everyone. As such, it should be read alongside our Strategic Equality Plan, Anti-Racist Wales Action Plan, Action on Disability and Gender Equality Review.

## AGE

The initial development and drafting of the plan considered the needs of older LGBTQ+ people and supported their involvement in decision-making through a specific virtual roundtable discussion group. Some key messages emerging from these discussions centred on the need to improve older LGBTQ+ people's lived experiences of the health and social care settings, addressing potential trauma of conversion therapy and tackling loneliness. Therefore, a range of actions within the draft plan, particularly those relating to LGBTQ+ healthcare, support the rights-based approach laid down by the UN Principles for Older Persons and aims to ensure older LGBTQ+ people feel their dignity is protected, have their identities respected and are able to live their lives to the full.

## SEX

The Welsh Government has assessed the potential impacts on women's rights and, in considering provision set out in Schedule 3 of the Equality Act 2010, is of the view that support for trans people and publishing an LGBTQ+ Action Plan will not result in the erosion of the rights of women and girls. Instead, the draft LGBTQ+ Action Plan forms part of our approach to strengthen equality and human rights protections for everyone. Extending non-binary and trans-inclusive protections through the LGBTQ+ Action Plan sits in line with the obligations laid down by the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>4 5</sup>.

## RELIGION OR BELIEF

The LGBTQ+ Action Plan sets out our ambition to be the most LGBTQ+ inclusive country in Europe. This means we must pursue systemic cultural change and progress in creating an LGBTQ+ inclusive Wales. LGBTQ+ people have the right to feel safe at home, in school, in the workplace and in the wider community. This includes supporting faith communities to be inclusive of LGBTQ+ people. The LGBTQ+ Action Plan intends to take an intersectional approach and build on the existing work of faith leaders in Wales to promote LGBTQ+ inclusion and support many LGBTQ+ people to express their own faiths or beliefs.

The LGBTQ+ Action Plan may affect matters concerning freedoms of expression on the grounds of belief and faith. However, while the right to hold a belief is absolute, the right to manifest a religious or philosophical belief is a qualified one. The plan's interference with the latter may be necessary in a democratic society in the interest of public safety, health or morals, or protecting the rights and freedoms of others.

## HUMAN RIGHTS AND UN CONVENTIONS

Do you think that this policy will have a positive or negative impact on people's human rights? *(Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions).*

The Welsh Government's position is clear: LGBTQ+ rights are human rights. The LGBTQ+ Action Plan signals our commitment to respecting, protecting and fulfilling the rights of LGBTQ+ people in Wales. The Action Plan is underpinned by the Human Rights-based approach set out by the UN High Commissioner for Human Rights ([UNSDG 2022](#)) and the UN Independent Expert on Sexual Orientation and Gender Identity (IESOGI) ([OHCHR 2022a](#)), and supports the realisation of rights guaranteed to LGBTQ+ people by the:

- *Universal Declaration of Human Rights (UDHR)*
- *International Covenant of Economic, Social and Cultural Rights (ICESCR)*
- *International Covenant on Civil and Political Rights (ICCPR)*
- *United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*
- *United Nations Convention on the Rights of the Child (UNCRC)*
- *United Nations Principles for Older Persons (UNPOP).*

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<sup>4</sup> UN OHCHR (1979) *Articles 1 and 2 of UN CEDAW* <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>5</sup> UN Committee on the Elimination of All Forms of Discrimination against Women (2010) General Recommendation No. 28 on the core obligations of State parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>