

DRAFT LGBTQ+ ACTION PLAN – IMPACT ASSESSMENT

ANNEX A: CHILDREN’S RIGHTS IMPACT ASSESSMENT

All completed Children’s Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

1. Describe and explain the impact of the proposal on children and young people.

Like all children and young people, LGBTQ+ children and young people are entitled to enjoy their human rights. They need safe, supportive and nurturing environments that make the most of their individual talents, interests and abilities in order to fulfil their potential and to fully participate in society. Childhood and adolescence are often characterised as challenging stages of life for everyone but these experiences can be compounded by the disadvantage, discrimination and inequalities that LGBTQ+ children and young people face specific to their diverse sexual orientations and gender identities. For example, we know that many LGBTQ+ children and young people are likely to experience additional difficulties that hamper the realisation of their human rights:

- **Bullying:** We know that identity-based bullying remains a significant issue of concern for children and young people in Wales¹. 54% of LGBT pupils and 73% of trans pupils have experienced bullying based their sexual orientations and gender identities². These experiences place LGBTQ+ children and young people at greater risks of poorer mental health, missing education, low educational attainment, and feeling excluded and unsupported^{3 4}.
- **Hate Crime and hostile media environments:** LGBTQ+ people experience disproportionate levels of hate crime⁵. Research carried out by Stonewall in 2017 found:
 - 1 in 5 LGBT people experienced a hate crime or incident because of their sexual orientation and/or gender identity in the previous 12 months
 - 2 in 5 trans people experienced a hate crime or incident because of their gender identity in the previous 12 months

¹ CCFW (2017) *Sam’s Story: Listening to children and young people’s experiences of bullying in Wales*. <https://www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf>

² Stonewall Cymru (2017) *The School Report*. https://www.stonewallcymru.org.uk/system/files/stonewall_cymru_school_report_2017.pdf

³ Estyn (2020) *Celebrating diversity and promoting inclusion* https://www.estyn.gov.wales/system/files/2021-08/Celebrating_diversity_and_promoting_inclusion_en.pdf

⁴ CCFW (2020) *Report of the Children’s Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child*. <https://www.childcomwales.org.uk/wp-content/uploads/2020/12/UN-report-2020-examination-.pdf>

⁵ UK Home Office (2017) *Official Statistics Hate crime, England and Wales, 2016 to 2017* <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>

- Four in five anti-LGBT hate crimes and incidents went unreported, with younger LGBT people particularly reluctant to go to the police⁶.

Globally, there is an increasingly worrying trend of more frequent anti-LGBTQ+ incidents such as attacks on LGBTQ+ public events including Pride marches, so-called declarations of 'LGBTQ+ free' zones, and homophobic intimidation at carnival festivities. Civil society organisations protecting and advancing the rights of LGBTQ+ people increasingly report that they face hostility, coinciding with the rise of the anti-gender (and anti-LGBTQ+) movement⁷. All children and young people have the right to be protected from discrimination and that the media should not make material that causes harm to children and young people. As an opinion shaper, the media has a huge influence on the way we think about gender and sexuality, and therefore has a duty to present these issues in a fair and balanced way. By portraying LGBT people in a negative light, deliberately or not, prejudice is spread to society through the media, reaching school learning environments and social networks⁸.

- **Access to information and support:** Children have the right to receive factual information about sexuality and gender diversity. Anti-bullying efforts should be supported by education on equality, gender and sexuality. The UN Special Rapporteur on the right to education has highlighted children's right to comprehensive sexual education without discrimination on grounds of sexual orientation and gender identity⁹. It is necessary to question stereotypes about gender and sexuality in schools. The protection of children is sometimes used as an argument to block the availability of information about LGBTQ+ people to children. There is no evidence that dissemination of information advocating a positive attitude towards LGBTQ+ people would adversely affect children. Rather, it is in the best interests of children to be informed about sexuality and gender diversity.
- **Family, housing and homelessness:** Many LGBTQ+ children and young people experience prejudice and violence within their own families. The acceptance of LGBTQ+ children and young people is still difficult for many parents and other family members. Research from suggests that up to a quarter of homeless young people are LGBTQ+¹⁰. When LGBTQ+ children and young people cannot rely on the support of their families, the result can be long-term marginalisation with a high cost to individual health and well-being.
- **Autonomy, self-determination, recognition and access to services:** Trans and non-binary children and young people encounter specific obstacles when exercising their right to self-determination. Trans and non-binary children and young people can find it difficult to access gender-specific health and support services.

A growing body of evidence suggests that the specific needs, disadvantages and vulnerabilities of LGBTQ+ children and young people have been further compounded by the

⁶ Stonewall (2017) *LGBT in Britain: Hate Crime and Discrimination* https://www.stonewall.org.uk/system/files/lgbt_in_britain_hate_crime.pdf

⁷ EU Agency for Fundamental Rights (2017) *Challenges facing civil society organisation working on human rights in the EU*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-challenges-facing-civil-society_en.pdf

⁸ CCFW (2016) *Challenging the Negative Media Reporting of the LGBT community*. <https://www.childcomwales.org.uk/wp-content/uploads/2016/04/LGBT-media-reporting-proof-English-final-v2-2.pdf>

⁹ UN General Assembly (2010) *Report of the United Nations Special Rapporteur on the right to education*. https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf

¹⁰ Albert Kennedy Trust (2015) *LGBT YOUTH HOMELESSNESS: A UK NATIONAL SCOPING OF CAUSE, PREVALENCE, RESPONSE, AND OUTCOME*. <https://www.akt.org.uk/Handlers/Download.ashx?IDMF=c0f29272-512a-45e8-9f9b-0b76e477baf1>

COVID-19 pandemic and the range of restrictive measures enforced to control the spread of coronavirus^{11 12} .

Therefore, the draft LGBTQ+ Action Plan has taken account of a wide range of evidence sources and intends to positively impact on the rights of LGBTQ+ children and young people. It sets out the concrete steps we propose to take to improve the lives 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 adopting an intersectional, life-course approach, the draft LGBTQ+ Action Plan proposes crosscutting actions specifically intended to support the rights and wellbeing of LGBTQ+ children and young people across a range of policy areas, including in education, safety, housing, health and support services.

The initial development and drafting of the plan has also taken account of Article 12 of the UNCRC and has supported children and young people's involvement in decision-making through virtual roundtable discussion groups. A number of LGBTQ+ youth organisations were also represented in our stakeholder engagement arrangements. There will be further opportunities for children and young people to have their voices heard during the formal consultation stage – supported by an Easy Read and a Young Person-friendly version of the draft plan. Feedback from the consultation phase will be used to further inform in the development of this Children's Rights Impact Assessment.

2. Explain how the proposal is likely to impact on children's rights.

The draft LGBTQ+ Action Plan has taken an intersectional, life-course approach. It sets out a series of crosscutting proposals intended to support the rights and well-being of LGBTQ+ children and young people across a range of policy areas, including education, safety, housing, health and support services. The collective impact of the Action Plan supports the guiding children's rights principles to respect, protect and fulfil the guarantees laid down by UNCRC:

- Article 2 – Equality and Non-Discrimination
- Article 3 – Best interests
- Article 6 – Survival and Development
- Article 12 – Right to be heard in decision-making.

While this impact assessment will provide high-level considerations of some proposed actions and the Action Plan as a whole, relevant departments may need to carry out further children's rights impact assessments to progress individual actions during the life of the plan:

¹¹ Hirst, H. (2021) *The Impact of Covid-19 on Young Trans People*. <https://www.liverpool.ac.uk/media/livacuk/law/2-research/ecru/Briefing,Paper,10,-,The,Impact,of,COVID-19,on,Young,Trans,People,-,Hannah,Hirst.pdf>

¹² LGBT Foundation (2020) *Hidden Figures: The Impact of COVID-19 Pandemic on LGBT Communities in the UK*. [Hidden%20Figures-%20The%20Impact%20of%20the%20Covid-19%20Pandemic%20on%20LGBT%20Communities.pdf](https://www.lgbt.foundation/wp-content/uploads/2020/07/Hidden-Figures-The-Impact-of-COVID-19-Pandemic-on-LGBT-Communities-in-the-UK.pdf)

Plan Section	Potential Impact of Proposed Action(s)
Human Rights and Recognition	<p>Proposed actions included in this section of the plan are intended to improve the protection, recognition and respect afforded to LGBTQ+ identities. In doing so, it recognises that LGBTQ+ people are entitled to enjoy the same human rights protections and guarantees as everyone else. Therefore, the draft LGBTQ+ Action Plan supports the realisation of many international human rights treaties including the United Nations Convention on the Rights of the Child (UNCRC). For example:</p> <p>Use all available powers to ban all aspects of LGBTQ+ conversion therapy that are in our powers and seek the devolution of any necessary additional powers.</p> <p>Practices known as ‘conversion therapy’ inflict severe pain and suffering on LGBTQ+ people, often resulting in long-lasting physical and psychological trauma. According to the UN IESOGI, children and young people need urgent protection from practices of so-called ‘conversion therapy’. The scientific community has consistently debunked the effectiveness of these practices, linking them to long-term harm to the physical and mental health of LGBTQ+ individuals. They are in complete violation of people’s rights to dignity, autonomy, health and free expression of one’s identity, and in some cases, amount to torture and ill-treatment¹³. Banning so-called conversion therapy practices in Wales will support:</p> <ul style="list-style-type: none"> • Article 4 – General measures of implementation • Article 6 – Survival and development • Article 8 – Preservation of identity • Article 14 – Freedom of thought, conscience and religion • Article 19 – Protection from all forms of abuse • Article 24 – Health and health services • Article 30 – Children of minorities • Article 34 – Sexual exploitation • Article 35 – Abduction, sale and trafficking • Article 36 – Other forms of exploitation • Article 37 – Torture and deprivation of liberty • Article 39 – Rehabilitation from trauma and abuse.

¹³UN IESOGI (2020) *Practices of so-called “conversion therapy”*: Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. <https://undocs.org/A/HRC/44/53>

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	<p>There is potential for a perceived conflict of rights on the grounds of religious freedoms, expression and beliefs. However, both the UN High Commissioner for High Rights and the UN IESOGI recommend introducing a ban on all forms of conversion therapy practices including all public or private settings in education, health, religious, commercial, community or any other setting.</p>
<p>Ensuring LGBTQ+ people's safety</p>	<p>LGBTQ+ people experience disproportionate levels of hate crime¹⁴. All children and young people have the right to be protected from discrimination, violence and abuse. Proposed actions to tackle LGBTQ+ hate crimes (for example: <i>Work with Chief Constables and Police and Crime Commissioners, along with other criminal and social justice partners, to consider reviewing the under-reporting of LGBTQ+ hate crimes with the aim of acting to further improve the levels of reporting</i>) will likely have a positive impact on:</p> <ul style="list-style-type: none"> • Article 2 – Equality and Non-Discrimination • Article 8 – Preservation of Identity • Article 12 – Right to be heard in decision-making • Article 19 – Freedom from violence, abuse and neglect • Article 29 – Goals of Education.
<p>Home and Communities</p>	<p>We know that many LGBTQ+ children and young people are likely to experience challenges in being able to join in groups, being accepted by their families, feeling part of a community and to participating fully in society. Proposed actions This is section of the draft Action Plan proposes a broad range of policy measures across youth work, housing, culture and sport intended to support:</p> <ul style="list-style-type: none"> • Article 6 – Survival and development • Article 13 – Right to information • Article 14 – Freedom of thought, conscience and religion • Article 15 – Association • Article 26 – Social security • Article 27 – Adequate standard of living • Article 29 – Goals of education • Article 31 – Recreation, culture, sport and play.

¹⁴ UK Home Office (2017) *Official Statistics Hate crime, England and Wales, 2016 to 2017*. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>

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	<p>This section also pay special attention the specific needs and vulnerabilities of LGBTQ+ refugee and asylum seekers. In doing so, the plan makes a direct contribution to supporting the rights of LGBTQ+ refugee and asylum seeking children and young people, including:</p> <ul style="list-style-type: none"> • Article 6 – Survival and development • Article 8 – Preservation of identity • Article 19 – Freedom from violence, abuse and neglect • Article 22 – Refugee children • Article 24 – Health and health services • Article 26 – Social security • Article 27 – Adequate standard of living • Article 39 – Rehabilitation from trauma and abuse
Health and social care	<p>LGBTQ+ people have disproportionately worse health outcomes and experiences of healthcare. The proposed actions intended to address these health inequalities and improve LGBTQ+ children and young people’s experience of healthcare s are supportive of:</p> <ul style="list-style-type: none"> • Article 2 – Equality and non-discrimination • Article 3 – Best interests • Article 6 – Survival and development • Article 8 – Preservation of identity • Article 24 – Health and health services • Article 29 – Goals of education.
Education and Lifelong Learning	<p>Identity-based bullying remains a significant issue of concern for children and young people in Wales¹⁵. 54% of LGBT pupils and 73% of trans pupils have experienced bullying based their sexual orientations and gender identities¹⁶. These experiences place LGBTQ+ children and young people at greater risks of poorer mental health, missing education, low educational attainment, and feeling excluded and unsupported^{17 18}. Actions included in this section, for example: introducing LGBTQ+-</p>

¹⁵ CCFW (2017) *Sam’s Story: Listening to children and young people’s experiences of bullying in Wales*. <https://www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf>

¹⁶ Stonewall Cymru (2017) *The School Report*. https://www.stonewallcymru.org.uk/system/files/stonewall_cymru_school_report_2017.pdf

¹⁷ Estyn (2020) *Celebrating diversity and promoting inclusion: Good practice in supporting lesbian, gay, bisexual and transgender (LGBT) learners in schools and college* https://www.estyn.gov.wales/system/files/2020-10/Celebrating_diversity_and_promoting_inclusion_en.pdf

¹⁸ CCFW (2020) *Report of the Children’s Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child*. <https://www.childcomwales.org.uk/wp-content/uploads/2020/12/UN-report-2020-examination-.pdf>

Plan Section	Potential Impact of Proposed Action(s)
	<p>inclusive Relationships and Sexuality Education, developing guidance to support trans learners, and intensifying efforts to tackle homophobic, biphobic and transphobic bullying help to realise:</p> <ul style="list-style-type: none"> • Article 2 – Equality and non-discrimination • Article 8 – Preservation of identity • Article 13 – Right to information and freedom of expression • Article 18 – Parenting responsibilities • Article 19 – Freedom from violence, discrimination and abuse • Article 28 – Access to education • Article 29 – Goals of education. <p>These actions may face challenge on the grounds of gender critical beliefs, protection of children, and religious freedoms. However, anti-bullying efforts should be supported by education on equality, gender and sexuality. The UN Special Rapporteur on the right to education has highlighted children’s right to comprehensive sexual education without discrimination on grounds of sexual orientation and gender identity¹⁹. It is necessary to question stereotypes about gender and sexuality in schools. The protection of children is sometimes used as an argument to block the availability of information about LGBTQ+ people to children. There is no evidence that dissemination of information advocating a positive attitude towards LGBTQ+ people would adversely affect children. Rather, it is in the best interests of children to be informed about sexuality and gender diversity.</p> <p>The Welsh Government remains committed to ensuring every learner has the right to enjoy full access to the new curriculum. The Welsh Government has already carried out significant consultation and impact assessment on this policy proposal in the context of religious freedoms and faith. We continue to work with a range of LGBTQ+ and faith community stakeholders to coproduce new Codes of Practice for ‘Relationships and Sexuality Education’ and ‘Religion, Values and Ethics’.</p>

¹⁹ UN General Assembly (2010) *Report of the United Nations Special Rapporteur on the right to education*. https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf

Plan Section	Potential Impact of Proposed Action(s)
COVID-19 Response	<p data-bbox="416 300 1362 427">Actions intended to improve our understanding of the impact COVID-19 (and social restrictions) has had on the LGBTQ+ population, including children and young people, supports:</p> <ul data-bbox="469 465 1145 640" style="list-style-type: none"> <li data-bbox="469 465 1059 499">• Article 2- Equality and non-discrimination <li data-bbox="469 510 1145 544">• Article 4 – General measures of implementation <li data-bbox="469 555 1018 589">• Article 24 – Health and health services <li data-bbox="469 600 868 633">• Article 26 – Social security.