

BLOOD EQUALITY WALES



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Janet Finch-Saunders MS
Chair, Petitions Committee

Welsh Parliament
Cardiff Bay
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Petition: P-05-995-Freedom to Donate Blood

Dear Janet,

Many thanks for hearing our petition to the Minister for Health and Social Care, Vaughan Gething MS, *P-05-995-Freedom to Donate Blood*. Please see our full response to the Minister's letter to you dated 24 November 2020 below.

- What are your thoughts on the attached document?

We understand the need to keep blood safe for recipients, however in our view the current rules make it even more unsafe for patients as there is a chance that somebody completing the questionnaire at the blood bank could lie, meaning the national guidance is contradicted intentionally. Our proposal to introduce an individual, risk-based assessment ensures that all blood is safe and that people are not discriminated against purely on the grounds of their sexuality alone.

The argument that men who have sex with men (MSM) are 'known to have a higher risk of acquiring blood borne infection such as Hepatitis B or HIV' is outdated, untrue and quite frankly offensive.

The change in the law over time, detailed below, is of course very welcome but it does not go far enough in ensuring MSM are able to donate blood freely. Take, for example, two males who are in a committed relationship and know their status. They are still

discriminated against on the grounds of their sexuality and so these changes are still discriminatory.

- ***Prior to 2011 there was a rule in place stating that a man who had sex with another man could never give blood***
- ***In 2011 this permanent deferral was changed to a 12 month deferral period***
- ***In 2017 the deferral period was further reduced to 3 months.***

The United Kingdom has a proud history of supporting Lesbian, Gay, Bisexual, Transgender and Plus (LGBT+) people and causes. Whilst we recognise that the UK is far further forward in this debate/change in blood donation rules, the comparison with other countries who find themselves being more discriminatory than we are is unhelpful.

- Does it adequately address the issues that you raised?

Blood Equality Wales welcomes the opportunity to raise questions with Members of the Senedd and of the Minister, Vaughan Gething MS, on the issue of blood donation. Although we know that blood donation laws are governed nationally and that the Welsh Government/Welsh Parliament does not necessarily have a say on the advice from The Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO), we feel that more could be done to ensure the Welsh Blood Service engages with LGBT+ people on the issue of blood donation, for example through lobbying national government on the want/need for a change and through key engagement with LGBT+ people are Pride events/updating website pages.

- Is there anything additional that you would like the Committee to know at this stage, either in response to this document or as an update to the Committee?

Yes, broadly these are;

1. There are many established campaigns like ours in the United Kingdom which are lobbying Government on the historic decisions, such as the rules around blood donation, which continued to have a detrimental impact on LGBT+ people to this day. Although we know that recent work has made donating blood easier for LGBT+ people, it still does not go far enough. LGBT+ people are being labelled as promiscuous and as 'a risk' and this divisive stance only enhances the difficulties LGBT+ people face on a daily basis.
2. The trade union movement, in particular GMB Union, has produced several campaigns linked to ensuring blood donation by MSM is kept as a topic of high interest in debates, motions and at key engagement events. The public outside those who are affected by these rules are often shocked to learn that MSM are unable to donate blood.

3. The paragraph of the Minister's initial letter detailed below is full of contradictions and offensive language. Will the Petitions Committee seek clarity on the Minister's thoughts and in particular the damage labelling has on the LGBT+ community?

The broad basis for deferring MSM who are sexually active from blood donation is based upon the fact that as a group they are known to have a higher risk of acquiring a blood borne infection such as HIV or Hepatitis B which then could be potentially transmitted through a blood transfusion. This increased risk also applies to other groups of people including sex workers, people who have partners known to be infected with transfusion transmissible infections like HIV or hepatitis B, people who have partners from parts of the world with a very high incidence of HIV/AIDS, people who have ever injected themselves with non-prescribed drugs and people who are currently taking Pre-Exposure Prophylaxis (PrEP) or Post-Exposure Prophylaxis (PEP). Of course, each individual within these larger groups presents a different level of risk dependant on their specific circumstances. Currently the WBS is unable to adapt these rules for individuals and must adhere to the overarching guidelines.

4. The Minister puts MSM in the same category as drug users and sex workers. Both of these things are choices or are owing to illness, being LGBT+ is not a choice or an illness. This is evidenced in the Equality Act 2010 where gender and sexual orientation feature as protected characteristics. Addiction, unless seen as a disability, and job type do not.
5. The Minister fails to state the benefits of increased blood donations from males, especially in light of COVID19. It is a fact that male blood contains higher levels of antipathogen antibodies i.e. against a virus. This is something that is sought after currently in light of the COVID19 pandemic. MSM blood therefore would be a huge help to healthcare professionals working to remedy this pandemic.
6. The Minister fails to state that the Welsh Blood Service (WBS) is experiencing shortages of O- blood at present, something that MSM could help alleviate, if they could freely donate blood. This is evidenced in the social media pleas from WBS begging donors to come forward.

Points five and six alone highlight the shortcomings of restricting MSM being able to donate blood, the impact of which affects the population as a whole in Wales, not just the LGBT+ community.

Further, we noted Leanne Wood MS' comments at the time when the petition was heard by your committee. **As far as we can see, the Health Minister, Vaughan Gethin MS, has not done what was asked in setting out the Welsh Government position and lobbying Westminster based on its position. We thank Leanne Wood MS for pointing out that MSM being unable to donate blood under the current rules is discriminatory.**

Many thanks for taking the time to read our response. We are extremely grateful for the time you have committed to our petition and for your continued commitment to making Wales a better place in which for LGBT+ people to live and work.

Yours respectfully,
Blood Equality Wales