

### **Conversion therapy Consultation**

**Do you agree or disagree that the Government should intervene to end conversion therapy in principle? Why do you think this?**

Strongly agree.

It is imperative that the government should act urgently to ban conversion therapy. On the 20<sup>th</sup> of July last year the Prime Minister stated that conversion therapy has “no place in this country”. We firmly agree and it is imperative that this measure is taken with no further delays.

In September 2020 we wrote to the Prime Minister to emphasise the importance of banning conversion therapy. It is a harmful practice which increases the risk of severe mental health problems.

The data about the ineffectiveness and harmfulness of conversion therapy is clear. In 2019 the national faith and sexuality survey examined the relationship between religious belief and sexual orientation. It found that more than half of those who had attempted to change their sexual orientation had reported mental health issues and less than a third had gone on to lead a happy life. Mental health issues resulting from attempts to change sexuality included, tragically, suicide attempts, self-harm, and suicidal thoughts. Furthermore, the evidence is clear that these deeply harmful practices are ineffective, with 74% of people telling researchers that “it did not work for me, and I do not believe it works for others”<sup>1</sup>.

Conversion therapy has been classed by the International Rehabilitation Council for Torture as a form of torture<sup>2</sup>. It has significant impacts on peoples’ mental health and has particularly damaging impacts on the wellbeing of young people.

LGBT+ people deserve better.

The extent to which conversion therapy is still happening in the UK is deeply concerning. 2% of LGBT people have been subjected to conversion therapy and a further 1 in 20 have been offered it<sup>3</sup>. These figures are higher for trans and asexual people<sup>4</sup>.

Conversion therapy also perpetuates harmful stereotypes that suggest that being LGBT+ is a negative thing that can be changed or suppressed. This contributes to the worrying levels of homophobia and transphobia in society in the UK, although it is not the only cause.

Our firm stance against conversion therapy does not mean that people cannot be offered therapies to help them explore their sexuality or gender identities, but the line between such therapies and conversion therapy, which problematises a person’s identity one way or the other is very clear.

---

<sup>1</sup> <https://www.churchtimes.co.uk/articles/2019/22-february/news/uk/questions-raised-on-conversion-therapy-ban>

<sup>2</sup> <https://irct.org/media-and-resources/stories/article/1027>

<sup>3</sup> <https://www.gov.uk/government/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study/conversion-therapy-an-evidence-assessment-and-qualitative-study>

<sup>4</sup> ibid

**To what extent do you support, or not support, the government's proposal for addressing physical acts of conversion therapy? Why do you think this?**

Strongly support

We agree that violent forms of conversion therapy are abhorrent crimes and that sentencing uplift in this case is appropriate. Treating conversion therapy as an aggravating factor in violent crimes is appropriate. This proposal would not be affected by the concerning "consent" exemption, which we discuss later on in this consultation response.

**The Government considers that delivering talking therapy with the intention of changing a person's sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and who has not consented or lacks the capacity to do so should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?**

Somewhat agree

**How far do you agree or disagree with the penalties being proposed? Do you think that these proposals miss anything? If yes, can you tell us what you think we have missed?**

We are concerned that this falls short of a comprehensive ban on talking conversion therapy. Instead, it is a restriction, which leaves vulnerable people open to this form of abuse.

Conversion therapy that is non-physical is still extremely harmful to people, and the proposal to suggest that someone who is over 18 and has consented can legally undergo conversion therapy is very concerning.

The most significant concern that we have about the legislation as currently construed is the loophole which leaves adult victims at risk of talking conversion therapy if they gave informed consent. Specifically, the government's consultation document states "the person entering the arrangement must have freely consented and received all the appropriate information about the potential impacts, short and long term". However, the government's own research found that when interviewing victims of conversion therapy, the notion of informed consent was not applicable, because victims were not given appropriate information, informed of the risks of the "therapy", or offered alternatives. Perpetrators are unlikely to inform victims that the service they propose to offer is ineffective, so the loophole in effect creates space for a situation which is highly improbable.

Furthermore, given the extent to which providers of conversion therapy use shame, and promote internalised homophobia, biphobia, and transphobia, it is not clear that individuals can give informed consent particularly where the victim is embedded within a community where harmful beliefs are pervasive. Power dynamics inherent in the relationships between perpetrators of conversion therapy and their victims also make informed consent an improbability. Most people who receive conversion therapy are led to the situation by family members or members of religious communities, yet this can often look like voluntary participation.

By creating the space in the legislation for this loophole, the government will make it more difficult for victims to receive justice, as it will create an increased burden on victims to demonstrate not only that they have been subjected to conversion therapy, but also to demonstrate that they did not provide informed consent (this will create an additional burden irrespective of whether the burden is on a defendant to demonstrate that consent was given or on the victim to demonstrate that it was

not). Evidence of consent could be difficult to demonstrate, but more significantly, this is a further barrier that could discourage victims from coming forward as well as legitimise the practice and prevent it from being eliminated. We note that the risks of allowing consent in the case of other harmful practices, such as domestic violence, FGM and forced marriage, have been recognised by parliament.

This loophole therefore means that adults at risk of conversion therapy will still remain at risk. The legislation must be strengthened to close this loophole.

A second major concern we have with the proposals as set out in the consultation document is that they do not explicitly recognise that gender exploration therapy and support provided by gender transition services are not forms of conversion therapy. We believe that there must be clear protections within the legislation for gender exploration therapy and gender transition services. To be clear, these services do not engage in conversion therapy as defined under this legislation: changing someone to or from being transgender, because they offer people a space to understand their own identities and to make their own decisions— they do not have a predetermined or preferred outcome. A Community union member who is transgender shared their story last year, with the important opening line: “To undertake a gender transition, or a process of affirmation – whether it involves medical treatment or not – is to undergo much emotional upheaval, and eventually, in the best of circumstances, to achieve a great peace and contentment.<sup>5</sup>” Supporting people to find that contentment is something that should be preserved.

It is deeply concerning to see divisive and harmful rhetoric directed towards trans people in particular, and proponents of this rhetoric continue to be highly critical of these services and to suggest that they would fall under the remit of this legislation. There is no doubt that some will seek to politicise this legislation inappropriately. The government could combat this by explicitly acknowledging practices that do not constitute conversion therapy (as has been done in the document in relation to some religious practices, for example private prayer).

Furthermore, the proposals do not make clear how conversion therapy can be banned in religious settings. As noted by the government’s research and analysis document conversion therapy is most commonly carried out in religious settings<sup>6</sup>, as well as in clinical type settings. Yet the proposals do not explicitly comment on conversion therapy in religious settings. However, it’s important to recognise that techniques such as prayer directed against an individual can be a form of conversion therapy. Many practices which are currently used including exorcism, confession, and repentance, fasting, declarations of faith and others should be explicitly included within the definition. Not enough is said in the consultation document in non-clinical settings. Further consideration should be given to ensure that the proposed legislation does not create a loophole in this area.

Finally, we have further concerns related to the fact that as well as changing someone’s sexual orientation or gender identity, suppressing the above are equally harmful. We note that bi people are particularly vulnerable to this form of conversion therapy because they may be asked to suppress a part of their sexuality. Despite the consultation document acknowledging that “in recent years many of those who would previously attempt to change a person’s LGBT identity have conceded that this is not possible. Instead, they may liken feelings of same-sex attraction or being transgender to a defect, deficiency, or addiction and may conduct conversion therapy in an attempt to remedy or

---

<sup>5</sup> <https://community-tu.org/my-experience-as-a-trans-person/#6913fe02>

<sup>6</sup> <https://www.gov.uk/government/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study/conversion-therapy-an-evidence-assessment-and-qualitative-study>

control this. The Government considers that in certain instances this would amount to conversion therapy and our approach will target such practices”<sup>7</sup>, it would be helpful to recognise this within the formal definition of conversion therapy.

As well as it being unclear whether the legislation will protect bi people, there are also worrying gaps which relate to non-binary people or those who are intersex, asexual or aromantic. Forms of conversion therapy directed towards these groups do not fit the definition within the legislation of seeking to change someone’s sexual orientation or changing them to or from being transgender.

This terminology may have been chosen because the terms sexual orientation and transgender align with other legislation such as the equality act or hate crimes. If this is the case then the government should clarify that its proposals include all of these groups. However, a better alternative would be to define conversion therapy more broadly, as recommended by Stonewall, as practices that seek to change or suppress a person’s sexual orientation or gender identity. This aligns with international terminology and legislation passed in other countries.

**The Government considers that Ofcom’s Broadcasting Code already provides measures against the broadcast and promotion of conversion therapy. How far do you agree or disagree with this? Why do you think this?**

**Do you know of any examples of broadcasting that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?**

Community is not responding to this question.

**The Government considers that the existing codes set out by the Advertising Standards Authority and the Committee of Advertising Practice already prohibits the advertisement of conversion therapy. How far do you agree or disagree with this? Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?**

Community is not responding to this question.

**The consultation document describes proposals to introduce conversion therapy protection orders to tackle a gap in provision for victims of the practice. To what extent do you agree or disagree that there is a gap in the provision for victims of conversion therapy? To what extent do you agree or disagree with our proposals for addressing this gap we have identified? Why do you think this?**

The proposed Conversion Therapy Protection order will play a valuable role in protecting vulnerable young people who could be removed from the country and subject to harmful conversion therapy in other countries.

It would be helpful to additionally set out an offence of aiding or abetting the removal of a person from the UK for the purpose of conversion therapy.

The proposal for a protection order mirrors similar protection orders in the case of FGM and forced marriage, and in the cases of FGM and forced marriage an offence of aiding and abetting does exist.

The government should also consider how cases should be addressed where the victim remains within the UK but the perpetrator is abroad, (for example, talking conversion therapy taking place over video-conferencing).

---

<sup>7</sup> <https://www.gov.uk/government/consultations/banning-conversion-therapy/banning-conversion-therapy>

**Charity trustees are the people who are responsible for governing a charity and directing how it is managed and run. The consultation document describes proposals whereby anyone found guilty of carrying out conversion therapy will have the case against them for being disqualified from serving as a trustee at any charity strengthened. To what extent do you agree or disagree with this approach? Why do you think this?**

We agree with this proposal. Those who have tried to commit conversion therapy should not have the opportunity to inflict these harms through the charity sector.

**To what extent do you agree or disagree that the following organisations are providing adequate action against people who might already be carrying out conversion therapy? Police; Crown Prosecution Service; OTHER statutory service Why do you think this?**

Statutory services should do a better job of recognising and identifying conversion therapy. The key barrier to taking adequate action against perpetrators is identifying what is happening.

**To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy? Police; Crown Prosecution Service; OTHER statutory service**

We do not agree that the statutory services are providing adequate support, again largely due to lack of identification that it is happening.

**Do you think that these services can do more to support victims of conversion therapy? If yes, what more do you think they could do?**

As above, we suggest that understanding of the existence of the practice of conversion therapy and its harmful effects is low. Statutory services should also have consistent frameworks for how they will react where conversion therapy has been identified.

One key area where statutory services can do more to support victims of conversion therapy relates to provision of Emergency housing. This is a key element of support that victims of conversion therapy, particularly young people, will require, in order to escape conversion therapy. In many cases conversion therapy happens in private homes. LGBT+ homelessness is already a significant issue, and people should not have to choose between being abused through conversion therapy and homelessness. We therefore agree with proposals by Galop for a statutory duty for victims of conversion therapy to be assessed as priority need for housing under the Homelessness Code of Guidance for Local Authorities.

Similarly, it may be necessary to protect under 18s by removing them for abusive home environments.

Finally, statutory services should be trained in helping to understand LGBT identities and understand the experiences of LGBT people. This would hopefully drive an increase in reporting rates, which are currently low.