

GUIDANCE ON RESPONDING TO THE BANNING CONVERSION THERAPY CONSULTATION



Briefing for LGBT Humanists, November 2021

USING THIS GUIDE

This guide is aimed at helping you to respond to the questions in the [Banning Conversion Therapy consultation](#) and should be read alongside the [Government's consultation document](#) and its recent [study of conversion therapy](#). We encourage you to adapt the suggested answers below into your own words and, where relevant, include evidence of your own experiences. There are three ways you can respond to the consultation. You can fill out the [online form](#), you can email response to ctconsultation@cabinetoffice.gov.uk or by post. If by post, please mark your correspondence 'Conversion Therapy Consultation' and send to: Cabinet Office - Government Equalities Office Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT. This guide mirrors the questions as laid out in the online form.

WHAT IS THE GOVERNMENT PROPOSING IN THIS CONSULTATION

The key proposals are:

- Banning conversion therapy including both changing sexual orientation and gender identity for those under 18 or adults who have not or are unable to consent due to vulnerability. But not for over 18s who appear to have consented.
- Physical/violence practices, which already constitute a crime, will be considered as an aggravating factor when a judge is considering sentencing a perpetrator. This means they could get a longer sentence if it is proven that the crime was motivated by conversion therapy.
- Introducing Conversion Therapy Protection Orders to make it harder to take a child, vulnerable adult, or someone who has not consent out of the country to undergo conversion therapy.
- The Government is considering how to ban advertising conversion therapy through the Online Safety Bill, Ofcom, and the Advertising Standards Authority.
- It is proposing several policies to improve statutory support services to victims of conversion therapy.

RESPONDING TO THE CONSULTATION QUESTIONS

The first set of questions are about you as the respondent and your experiences/knowledge of conversion therapy.

Are you providing an individual or personal response or a response on behalf of an organisation?

Answer: Individual or person

- The next set of questions are about you as a person and your demographics
- These questions are about your personal experience of conversion therapy. So only answer these questions if you have been offered conversion therapy. This is the only part of the consultation where you will be able to share these experiences which will form part of the evidence that the Government will use to inform its policy. So we do encourage you to answer these questions if they are applicable to you and you are willing to share this



information.

Preliminary Question: Do you agree or disagree that the Government should intervene to end conversion therapy in principle?

Suggested answer: Strongly agree

Why do you think this?

I agree in principle that the Government should intervene to end the abhorrent practice of so called 'conversion therapy'.

You may also wish to add here about why you think a ban is necessary and important.

Relevant points:

- Conversion therapy is damaging to all those who undertake it. Depression, anxiety, self-harm, an increased risk of suicide, poor educational outcomes, relationship breakdown, and homelessness are among just some of the long-term impacts.
- It has no scientific basis. And yet, it continues to take place.
- It is still widely practiced. According to the UK Government, 7% of LGBT people have undergone or been offered such practices. 51% of those who have undergone conversion therapy report that it was conducted in a religious setting. Such activities can include exorcisms and forced prayer.
- It continues to promote homophobic and transphobic views that being LGBT is a negative condition that can or should be cured.

Q1. To what extent do you support, or not support, the Government's proposal for addressing physical acts of conversion therapy?

See paragraphs 26-33 in the [consultation](#). This question refers to the plan to introduce sentence uplift for violent forms of conversion therapy. This means that as some forms of conversion therapy are already crimes, instead of making such crimes a new offence, it proposes to empower judges to impose an increased sentence on the perpetrator whether the victim was a child or adult.

Suggested answer: Strongly agree

Why do you think this?

We are supportive of this proposal. If you have personally experienced a physical form of conversion therapy you may want to say how this would have affected you.

Q2. The Government considers that delivering talking conversion 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?

See paragraphs 42-54 in the [consultation](#).

Suggested answer: Strongly disagree

Q3. How far do you agree or disagree with the penalties being proposed?

See paragraph 43 in the [consultation](#).

Suggested answer: Somewhat agree



Q4. Do you think that these proposals miss anything?

Suggested answer: Yes

If yes, can you tell us what you think we have missed?

Suggested answers: This is one of the most important questions in the consultation as the fact that this ban will not extend to all adults is the biggest weakness in this proposal.

The 'consent' loophole

I strongly disagree with the Government's proposal that this ban should only extend to children and adults who lack capacity to consent. We believe that, given the fact that these practices have no medical or scientific efficacy and the harms caused to participants are well known, it is not possible for an adult to give free and informed consent.

Points to raise:

- 'Talking' therapies are known to have very harmful psychological and mental health effects. This ban will not offer any protection against those harms for adults.¹
- This proposal is at odds with the approach taken by Parliament in banning other harmful practices such as female genital mutilation (FGM), forced marriage, and domestic abuse. In each of these areas the Government has recognised that there was an inherent danger in allowing adults to consent to these practices, and that the imbalance of power between those performing the practices and those subjected to them makes the notion of informed consent largely meaningless.
- Other jurisdictions such as Aragon and Valencia in Spain, and Victoria in Australia have bans that do not allow someone to consent.
- Unless the ban is extended to adults who seemingly consent to the practice, the group comprising the majority of those at risk of conversion therapy, the Government's overall aim and commitment to ending this practice will fail.

Omission on sentencing

Overall, the penalties are appropriate and in line with wider sentencing guidelines. However, for summary offences tried at the magistrates court, you might want to suggest that a judge should be able to impose prison and a fine and not just one or the other.

Omission of suppression

This refers to all paragraphs up to 54 in the [consultation](#).

There are two main areas of omission: ban on therapies that focus on 'suppression' rather than change and religious settings.

Suggested answer:

- The proposals laid out in this consultation only refer to conversion therapy as a means of 'changing' someone's sexual orientation or gender identity. However, we are aware that these practices also include attempts to 'suppress' these aspects of identity. Without closing this loophole most providers of conversion therapy will be able to continue with only minor changes in their practices.

¹ Human Rights Campaign, *The Lies and Dangers of Efforts to Change Sexual Orientation or Gender Identity*
<https://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>



- The Government has not included a ban on religion-based conversion therapy. We know that the majority of such practices occur in religious settings but the ban does not cover this for over 18s.
- This is a fundamental omission which risks allowing the main providers of conversion therapy to continue to do so unaffected by this ban. We know it is within religious settings that the most damaging types of conversion therapy, such as exorcisms and forced prayer, occur. When people are experiencing such extreme distress over their sexual orientation or gender identity, they should be met with person-centred, therapeutically well-grounded support. They should not face coercive, medically worthless practices that seek to push them in a particular direction.
- Religious practices can and should be limited when they harm the rights and freedoms of others and this is the case with conversion therapy. Other jurisdictions provide a model for how a ban in religious settings could be achieved in legislation. For example, the ban in the state of Victoria has a clear definition of conversion therapy that cites those religious practices that are not protected.
- With this in mind, we believe this ban should include verbal communications where the above intent is established such as confessions/repentances, non-violent exorcisms, faith declarations, fasting, pilgrimages, and attendance on religious courses.

Q5. 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?

See paragraphs 57-61 in the [consultation](#).

Suggested answer: Somewhat disagree

Why do you think this?

It is very difficult to judge if the current broadcasting code prevents the promotion of conversion therapy as there is little evidence of cases being brought to the regulator.

Suggested answer: given that the Government is proposing introducing a new criminal ban on the practice, it would be appropriate to include a specific reference to conversion therapy as an example of a practice that would fall under the prohibitions against harmful and/or misleading claims.

Q6. 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?

Suggested answer: If you know of any examples please add them in the textbox and share them with campaigns@humanists.uk.

Q7. 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?

See paragraphs 62-66 in the [consultation](#).

Suggested answer: Somewhat disagree

- We do not think that the current ASA and CAP codes are sufficient to limit conversion therapy adverts in the majority of cases. The code states that an advert would have to meet the threshold of 'causing harm or serious or widespread offence.' This is a high bar and is unlikely that most adverts would fall into this category.



- Chapter 4 of the Code already contains prohibitions on harmful content such as portrayal of gender stereotypes in adverts (point 4.9) to avoid the harm and offence these cause.² We recommend that an additional point is added to this chapter which states that 'marketing communications must not include depictions or portrayals of goods or services designed to change or suppress a viewer's sexuality or gender identity.' And this would need to be similarly updated across all of the ASA and CAP's codes.
- The Government also needs to put forward concrete proposals on how online advertising can be banned.

Q8. Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy?

Suggested answer: Yes

If yes, can you tell us what these examples are?

- In 2013, the High Court ruled that Transport for London (TfL) was acting lawfully in banning a proposed bus advert by the Core Issues Trust because it would 'cause grave offence' to those who were gay.³ The advert in question carried the slogan 'Not gay! Post-gay, ex-gay and proud. Get over it!'
- The campaign was an explicit attempt to hit back at the gay rights group Stonewall, which as part of its lobbying for same sex marriage to gay couples was running its own bus adverts saying: 'Some people are gay. Get over it' Core Issues Trust used the same black, red and white colour scheme as Stonewall and in a statement announcing the campaign accused it of promoting the 'false idea that there is indisputable scientific evidence that people are born gay'.⁴ The adverts were pulled by the then Mayor of London under his authority as Chair of TfL and his decision to do so was upheld by the High Court the following year.
- If you know of any further examples please add them here and share with campaigns@humanists.uk.

Q9. 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?

See paragraphs 67-78 in the [consultation](#).

Suggested answer: Somewhat agree

Q10. To what extent do you agree or disagree with our proposals for addressing the gap we have identified?

Somewhat agree

Why do you think this?

² CAP Code, 'Chapter 4: Harm and Offence' <https://www.asa.org.uk/uploads/assets/1837e736-9a2c-4aa4-8139d17d38a74ab4/Cap-Code-Harm-Offence.pdf>

³Core Issues Trust vs Transport For London [2013] EWHC 651 <https://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2013/651.html&query=%22public+sector+equality+duty%22&method=boolean>

⁴Robert Booth, Hélène Mulholland and Patrick Strudwick, 'Anti-gay adverts pulled from bus campaign by Boris Johnson' 12 April 2012. <https://www.theguardian.com/world/2012/apr/12/anti-gay-adverts-boris-johnson>



Suggested answer: We welcome the introduction of a conversion therapy specific protection order, which we believe will offer additional protection to children and vulnerable adults from being taken abroad to receive these practices. However, it does not create a new offence against aiding and abetting the removal of a person from the UK for the purpose of receiving conversion therapy. Unlike the approach taken in FGM and forced marriage legislation, the Government is not proposing to create a criminal offence to prevent a person from taking part in removing someone from the country. Without aiding and abetting removal to other countries becoming a crime, families and religious communities would simply be able to send victims to countries that do not have bans without any legal consequences. We recommend that the Government look to extend extra-territorial jurisdiction to cases of conversion therapy so that a perpetrator can be held accountable in the UK for performing these practices abroad and that a new offence is created for aiding or abetting sending a person abroad for this purpose.

Q11. 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?

See paragraphs 79-87 in the [consultation](#).

Suggested answer: Strongly agree

Why do you think this?

We agree with this proposal. We believe that it will be an effective measure to reduce the influence of individuals who are perpetrators or connected to charitable organisations that have either promoted or performed conversion therapies.

Q12&13. 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)? AND 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)? Why do you think this?

See paragraphs 93-94 in the [consultation](#).

Suggested answer: If you have experience of using statutory services in relation to conversion therapy this is an opportunity to expand upon how effective those services were. If you have not had direct experience of these services we suggest that you skip these two questions. The online form requires that you select an answer so we suggest that you 'neither agree nor disagree'.

Q14. Do you think that these services can do more to support victims of conversion therapy?

See paragraphs 93-94 in the [consultation](#).

Suggested answer: Yes

If yes, what more do you think they could do?

Regulatory standards need to be developed and updated to ensure that professional practice both in medical settings and in mental, pastoral, and spiritual care reflect the changes. The Government should also consider introducing statutory support services for victims of conversion therapies and safeguarding guidelines for social, medical, and education workers as there is for FGM.



Q15. Do you have any evidence on the economic or financial costs or benefits of any of the proposals set out in the consultation?

Suggested answer: Unless you have personal knowledge of this topic, we would suggest you select 'No' and skip this question.

Q16. There is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act 2010. Do you have any evidence of the equalities impacts of any proposals set out in the consultation?

Suggested answer: Yes

If yes, can you provide us with details of this evidence, including where possible, any references to publications?

Overall, these measures will have a positive impact upon individuals under the protected characteristics of sexual orientation and gender identity. As the majority of conversion therapy occurs in religious settings and engages protected characteristics of religion or belief. However, we believe that the ban proposed by the Government to restrict religious based conversion therapy carried out on under 18s is a proportional means of achieving the legitimate aim of protecting LGBT persons from direct harm to their health and wellbeing.

For more details, information, and evidence, contact Humanists UK:

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