

CENTRE FOR CIVIL AND POLITICAL RIGHTS: UK INFORMAL BRIEFING ON CONVERSION “THERAPY”

Response from LGBT Humanists, March 2024



ABOUT LGBT HUMANISTS

LGBT Humanists is a volunteer-led section of Humanists UK. For over 40 years LGBT Humanists has promoted humanism as a rational, naturalistic worldview that trusts the scientific method as the most reliable route to truth and encourages a moral and ethical life based on logic, reason, and compassion. We campaign for equality, particularly relating to sexual orientation and identity – both in the UK and internationally.

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 120,000 members and supporters and over 115 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

WHAT IS CONVERSION “THERAPY”?

Conversion “therapy” is discredited and harmful. Such practices are usually rooted in false and often pseudoscientific or religious beliefs about what causes people to be lesbian, gay, bisexual, or transgender. The UK Government Equalities Office defines so-called ‘conversion therapies’ as ‘techniques intended to change someone’s sexual orientation and/or gender identity’. Conversion therapy and other conversion practices have the *predetermined* purpose to stop a person from expressing their sexual orientation or gender identity (e.g. by persuading them to change or deny their sexual orientation, be celibate, or suppress their gender identity or expression).

Often happening in secret in closed-off religious communities, victims are often young and vulnerable, and are more likely to face abuse from their families or communities because of their sexual orientation or gender identity. Conversion practices can take many forms, ranging from pseudo-psychological treatments and ‘aversion’ therapies to practices that are religiously based, such as ‘healing prayer’, and can include activities such as exorcisms. At its most extreme, this can also involve forced marriage and so-called ‘corrective rape’.



WHY BAN CONVERSION THERAPY?

Conversion practices remain an ongoing problem

The UK Government's National LGBT Survey (2018)¹ of 108,000 LGBT people in Britain found that:

- 7% of respondents had undergone or been offered conversion therapy
- 13% of trans respondents had undergone or been offered conversion therapy to stop them from being trans
- 51% of respondents who had undergone this said religious groups had conducted it, and
- 19% said it had been conducted by healthcare providers or medical professionals.

Importantly, conversion practices remain an ongoing problem. The UK Government's survey found a consistent pattern in terms of the proportions of respondents who had undergone or been offered conversion therapy amongst all of those aged 16-64, including 8% of 16-17 year olds and 7% of 18-34 year olds. This is not a problem that only affects an older generation. It continues to harm young LGBT people today.

Today, groups offering conversion "therapy", such as the Christian-run Core Issues Trust,² operate in the UK freely. It is a Northern Ireland registered charity, which entitles it to certain tax exemptions.

Conversion practices are harmful

All forms of conversion practices are not only discredited but inherently harmful. The United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity highlighted the findings of the Independent Forensic Expert Group that:

'All practices attempting conversion are inherently humiliating, demeaning and discriminatory. The combined effects of feeling powerless and extreme humiliation generate profound feelings of shame, guilt, self-disgust, and worthlessness, which can result in a damaged self-concept and enduring personality changes. The injury caused by practices of "conversion therapy" begins with the notion that an individual is sick, diseased, and abnormal due to their sexual orientation or gender identity and must therefore be treated. This starts a process of victimisation.'³

The UK Government's own assessment and qualitative study of conversion therapy concluded that 'the balance of evidence suggests that conversion therapy is unlikely to be effective and can lead to psychological illnesses such as depression, anxiety disorders, and suicide ideation.'⁴

¹ Government Equalities Office, *National LGBT Survey: Research Report*, July 2018, <https://assets.publishing.service.gov.uk/media/5b3b2d1eed915d33e245f3e3/LGBT-survey-research-report.pdf>.

² Core Issue Trust <https://core-issues.org/>

³ Human Rights Council, *Practices of so-called "conversion therapy"*, 1 May 2020, <https://undocs.org/A/HRC/44/53>

⁴ Government Equality Office, *Conversion therapy: an evidence assessment and qualitative study*, 29 October 2021, chapter 6, <https://www.gov.uk/government/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study/conversion-therapy-an-evidence-assessment-and-qualitative-study>.



Some conversion practices are not covered by existing legislation

The UK Government has repeatedly confirmed that there are gaps in the law that allow conversion practices to continue.⁵ In its 2021 consultation on banning conversion therapy, it stated that:

'Our existing criminal law framework means that conversion therapy amounting to offences of physical or sexual violence is already illegal in this country. However, we have identified gaps that allow other types of conversion therapy to continue. Having identified these gaps in the law, we are determined to close them.'⁶

In 2022, the Scottish Government committed to introduce a Bill on ending conversion practices in Scotland and is currently undertaking a consultation on its legislative proposals (ending April 2024).

⁷ In its overview of the consultation, the Scottish Government highlights:

'[N]ot all types of conversion practices can be addressed by existing offences. For example, talking therapy, or coaching someone to change or suppress their sexual orientation or gender identity are unlikely to be prosecutable under the existing criminal law. While these are generally reasonable and non-harmful everyday actions in the majority of circumstances, when used with the intent to change or suppress the sexual orientation or gender identity of another, they can become harmful.

'Even where the act that was being carried out might relate to an existing criminal offence, a conversion practice might not meet all of the requirements of that offence. For example, to be convicted of stalking a person must cause their victim to suffer fear and alarm. They must also intend to cause the victim fear or alarm or know, or ought to know in all the circumstances, that their actions would likely have this effect. This would not apply to many cases of conversion practices as the perpetrators often believe that they are helping the victim. In such a case, it may be difficult to prove an intention or recklessness to cause fear and alarm. In addition, the harmful effect of conversion practices is less likely to be fear and alarm but more often resemble post-traumatic stress which may manifest in different ways and over a longer period.

New criminal offences will ensure that the legislation adequately protects people from harmful conversion practices by addressing the gaps within the existing criminal law.'⁸

⁵ For example: UK Parliament, 'Announcement of a Consultation on How to Ban Conversion Therapy', HCWS357, 29 October 2021, <https://questions-statements.parliament.uk/written-statements/detail/2021-10-29/HCWS357>; and Hansard 'Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill [HL] volume 835: debated on Friday 9 February 2024', <https://hansard.parliament.uk/lords/2024-02-09/debates/DB690A34-D945-4EDA-9178-DD6357498F45/ConversionTherapyProhibition>.

⁶ UK Government, 'Banning conversion therapy' 2021 <https://www.gov.uk/government/consultations/banning-conversion-therapy/banning-conversion-therapy#background-to-conversion-therapy>.

⁷ Scottish Government, 'Ending conversion practices in Scotland: consultation', 9 January 2024, <https://www.gov.scot/publications/ending-conversion-practices-scotland-scottish-government-consultation/>

⁸ Ibid, para 74 - 75



WHAT IS THE STATUS OF A CONVERSION THERAPY BAN?

The UK Government's commitment to banning conversion practice has been inconsistent

In 2018, the UK Government committed to 'bringing forward proposals to end the practice of conversion therapy in the UK' in its LGBT Action Plan to improve the lives of lesbian, gay, bisexual and transgender people.⁹ A legislative conversion therapy ban was promised in the Queen's Speeches in May 2021.¹⁰ However, in March 2022, a document leaked to ITV News purported that the UK Government had abandoned its plan to ban conversion therapy.¹¹ Following a backlash, it was then reported that the Government would ban conversion therapy after all, but only practices targeting gay, lesbian and bisexual people. It would not ban conversion therapy for transgender people.¹² A Conversion Therapy Bill was subsequently promised in the Queen's Speech in May 2022.

¹³

In January 2023, the UK Government announced that it would publish a draft Government Bill 'shortly', and that it would protect everyone 'including those targeted on the basis of their sexuality, or being transgender'.¹⁴ However, at the time of writing this briefing, no draft Bill has been published and any mention of banning conversion practices was absent from the King's Speech in October 2023.¹⁵

Notably, the UK Government is yet to publish their response to the 2021 consultation on banning conversion therapy.¹⁶

Private Member's Bill in lieu of a Government draft Bill

Instead of the long promised Government Bill, there are instead two Private Member's Bills being debated in Parliament. The first of these two Bills was introduced by Baroness Burt of Solihull (Liberal Democrat) in November 2023 to the House of Lords, and it passed its second reading in February 2024.¹⁷ The Bill is awaiting the next stage - the Committee stage where the details of the Bill can be scrutinised and amendments suggested - but a date has not yet been announced.

⁹ Government Equalities Office, *LGBT Action Plan*, July 2018,

<https://assets.publishing.service.gov.uk/media/5b39e91ee5274a0bbe01fd5/GEO-LGBT-Action-Plan.pdf>.

¹⁰ UK Government, 'Queen's Speech 2021', 11 May 2021, <https://www.gov.uk/government/speeches/queens-speech-2021>.

¹¹ ITV News, 'Exclusive: Government ditches ban on conversion therapy, according to leaked document', 31 March 2024, <https://www.itv.com/news/2022-03-31/exclusive-government-ditches-ban-on-conversion-therapy-leaked-document-shows>.

¹² BBC, 'Conversion therapy: Ban to go ahead but not cover trans people', 1 April 2022, <https://www.bbc.co.uk/news/uk-60947028>

¹³ UK Government, 'Queen's Speech 2022', 10 May 2022, <https://www.gov.uk/government/speeches/queens-speech-2022>.

¹⁴ UK Parliament, 'Online Safety Update' HCWS500, 17 January 2023, <https://questions-statements.parliament.uk/written-statements/detail/2023-01-17/hcws500>.

¹⁵ UK Government, 'The King's Speech 2023' 7 November 2023, <https://www.gov.uk/government/speeches/the-kings-speech-2023>.

¹⁶ UK Government, 'Banning conversion therapy' 2021 <https://www.gov.uk/government/consultations/banning-conversion-therapy/banning-conversion-therapy#background-to-conversion-therapy>

¹⁷ UK Parliament, *Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill* [HL], <https://bills.parliament.uk/bills/3512>.



The second Private Member's Bill was introduced by Alicia Kearns MP (Conservative) on behalf of Lloyd Russell-Moyle MP (Labour) in December 2023 to the House of Commons. It began its second reading on 1 March 2024.¹⁸ After three hours of debate, MPs had the opportunity to vote to move the Bill onto the committee stage. Even though 68 MPs voted for the Bill to move onto the committee stage and only 15 MPs voted against it, a minimum of 100 MP votes are needed for the majority vote to win. The Bill therefore remains stuck at the second reading for now.

The UK Government opposed both Private Member's Bills, stating at the second reading of both Bills that it planned to bring forward its own legislation for pre-legislative scrutiny without committing to a timescale as to when the draft Bill might be published.¹⁹ However, there is now limited prospect for a Government Bill to ban conversion therapy becoming law before the next general election which must be held in January 2025 at the latest.

Amendments to the Criminal Justice Bill

MPs have tabled two possible amendments to the UK Government's Criminal Justice Bill²⁰ to make conversion practices a criminal offence.²¹ There is however no indication at present that the Government will support these amendments.

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

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¹⁸ UK Parliament, *Conversion Practices (Prohibition) Bill*, <https://bills.parliament.uk/bills/3545>.

¹⁹ *Hansard*, 'Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill [HL] volume 835: debated on Friday 9 February 2024' <https://hansard.parliament.uk/lords/2024-02-09/debates/DB690A34-D945-4EDA-9178-DD6357498F45/ConversionTherapyProhibition>; *Hansard*, 'Conversion Practices (Prohibition) Bill volume 746: debated on Friday 1 March 2024' [https://hansard.parliament.uk/commons/2024-03-01/debates/9BFEA9C8-632E-4D22-BF04-2E1787A43AD0/ConversionPractices\(Prohibition\)Bill](https://hansard.parliament.uk/commons/2024-03-01/debates/9BFEA9C8-632E-4D22-BF04-2E1787A43AD0/ConversionPractices(Prohibition)Bill)

²⁰ UK Parliament, *Criminal Justice Bill*, <https://bills.parliament.uk/bills/3511>.

²¹ House of Commons, 'Criminal Justice Bill, As Amended (Amendment Paper)', 13 March 2024, https://publications.parliament.uk/pa/bills/cbill/58-04/0155/amend/criminal_rm_rep_0313.pdf NC13, NC14.

