

## **Background information Conversion Therapy UK**

### **History:**

- 2017: Theresa May's government undertook a national survey to gather information about the experiences of LGBT people. 108,000 participants take part. The survey said 2.4% of respondents had undergone conversion therapy and 5% have been offered it.
- 2018: Prime Minister Theresa May promises to introduce a ban on conversion therapy. The announcement formed part of the government's LGBT Plan.
- 2018: Government Equalities Office funds research from Coventry University's Psychological, Social and Behavioural Sciences department.
- 2020: Prime Minister Boris Johnson confirmed a study was being undertaken and he committed to banning conversion therapy.
- 2021: Queen's speech includes a commitment to bring forward measures to ban conversion therapy.
- 2021: The Right Hon Elizabeth Truss MP, as Minister for Women and Equalities, announces a consultation into conversion therapy and proposes that a draft bill would be published spring 2022. The government is currently analysing the results of that consultation and has not yet published a formal response.
- 2022: ITV reports that government does not intend to introduce legislation but then government changes its mind.
- 2022: May Queen's Speech included a commitment to bring forward legislation to ban the practice of conversion therapy for sexual orientation and the background briefing notes include an intention to carry out separate work to consider the issue of conversion therapy on the grounds of gender identity.
- January 2023: Government announces intention to publish a 'draft Bill setting out our approach for pre-legislative scrutiny by a joint committee this parliamentary session.' The statement outlined that the draft bill would cover sexual orientation and gender identity.
- December 2023-onwards: Two Private Members Bills tabled. Baroness Burt (Liberal Democrat) in the House of Lords and in the House of Commons by Alicia Kearns (Conservative MP for Rutland and Melton) on behalf of Lloyd Russell-Moyle (Labour (Co-op) MP for Brighton Kemptown).

### **Why is there a need for legislation to ban conversion therapy?**

In the introduction to the consultation (published December 2021), the then Secretary of State for Foreign, Commonwealth and Development Affairs and Minister for Women and Equalities stated<sup>1</sup>:

- "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

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<sup>1</sup> [Banning conversion therapy - GOV.UK 2021](#)

identified these gaps in the law, we are determined to close them. To do so, we are taking the following action to introduce new criminal and civil measures.”

- “Our focus has always been on how we ban these practices, not if...It is the government’s intention to deliver a ban as quickly as possible and we will be preparing a draft bill for spring 2022.”
- “While the exact prevalence of conversion therapy is challenging to establish, it is the view of the government that one incident of conversion therapy is too many.”

### **Definitions:**

There is no agreed definition of **conversion practices or therapy** in the UK, but the terms are widely understood (internationally) to describe interventions that constitute torture, inhuman or degrading treatment.<sup>2</sup> The Parliamentary Office for Science and Technology (POST) explains:

“‘Conversion therapy’ doesn’t have a settled definition but refers broadly to a range of practices that seek to change, ‘cure’ or suppress a person’s sexual orientation or gender identity.”

Any legislation in the UK would need to clearly define what this includes and what is excluded.

### **Arguments Against a Ban on Conversion Practices and Counter Evidence**

#### **1. Conversion practices don’t happen anymore**

In the Government’s 2018 National LGBT Survey, **7% of LGBT people reported they had been offered or had undergone conversion practices**. This number rose to 13% for trans people.<sup>3</sup> In 2021 the Right Hon Elizabeth Truss MP, as Minister for Women and Equalities, stated that: “While the exact prevalence of conversion therapy is challenging to establish, it is the view of the government that one incident of conversion therapy is too many.”

#### **2. The law already covers it**

While some conversion practices are already criminalised under existing legislation (e.g. sexual coercion, physical abuse), there are non-physical forms of conversion practices that are still legal and can be psychologically damaging to those who experience them.<sup>4</sup> Following the **UK Government’s consultation in 2021**, the Right Hon Elizabeth Truss MP stated that they had “**identified gaps [in the law] that allow other types of conversion therapy to continue**” and were following actions to introduce new criminal and civil measures.<sup>5</sup>

#### **3. A ban should only include sexual orientation**

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<sup>2</sup> Independent Forensic Expert Group. “Statement on Conversion Therapy.” *Journal of Forensic and Legal Medicine* 72 (May 1, 2020): 101930. <https://doi.org/10.1016/j.jflm.2020.101930>.

<sup>3</sup> [Government Equalities Office. “National LGBT Survey: Research Report.” 2019.](#)

<sup>4</sup> Trispiotis, Ilias. “The Legal Duty to Ban ‘Conversion Therapy.’” In *Banning “Conversion Therapy”: Legal and Policy Perspectives*, edited by Ilias Trispiotis and Craig Purshouse, 13–38. Gordonsville: Hart Publishing, An Imprint of Bloomsbury Publishing, 2023.

<sup>5</sup> [Banning conversion therapy - GOV.UK 2021](#)

Trans people, like LGB people, need to be able to safely explore their identities and what they need to live a healthy life. For some people, this includes treatment to alleviate the symptoms of their gender dysphoria. For others, after discussion and consultation, they realise they are not trans. This **must continue** to be possible under any legislation.

However, interventions that constitute torture, inhuman or degrading treatment resulting in long-lasting psychological and physical damage should be banned. There needs to be clarity about exactly what this means in the UK.

Additionally, studies have suggested that those who offer conversion practices conflate gender identity and sexual orientation.<sup>6</sup> Excluding practices targeting gender identity, might therefore weaken attempts to implement any ban in practice.

#### 4. A ban will over-criminalise

Internationally, the vast majority of bans explicitly allow for conversations, medical procedures and therapies that aim to explore or affirm one's identity, this includes Belgium, Canada, France, and Germany amongst others. The UK Government's 2021 consultation explicitly stated that "casual conversations, exchanges of views, private prayer or pure speech acts" do not fall under its understanding of conversion practices.<sup>7</sup> Within this framework, **therapists, family members, and medical practitioners are not at risk of criminalisation for talking about sexual orientation and gender identity or raising concerns.** It would only constitute criminalisation if the intervention inflicted pain and suffering or attempted to suppress identity. Any legislation would have to define exactly what constitutes pain, suffering and suppression, and what is excluded from the definition.

#### 5. A ban would unjustly impinge upon freedom of religion

This argument misrepresents the relation between religion and law: **religious practices are not being criminalised, conversion practices are.** If an illegal practice takes place within a religious setting, it is still illegal.<sup>8</sup> A ban would not prevent people from practicing their religion nor would it prevent a person of faith expressing the view that to be LGBT is not as preferable as being heterosexual.

Over 370 global representatives of all major religions called for a ban on conversion practices in 2020.<sup>9</sup> **There is no major religion that unanimously requires its LGBT followers to undergo conversion practices.** Some people may ask to undergo conversion practices due to their religious identity however there is no empirical evidence which proves conversion practices work to permanently change or suppress one's sexual orientation or gender identity and **there exists no right to receive treatment that is ineffective,** including for religious purposes.<sup>10</sup>

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<sup>6</sup> [British Medical Association. "Conversion Therapy." June 17, 2022.](#)

<sup>7</sup> [Banning conversion therapy - GOV.UK 2021](#)

<sup>8</sup> García Oliva, Javier, and Helen Hall. "Exorcism and Other Spiritual Modes of 'Conversion Therapy' - Balancing Religious Liberty and Individual Rights." In *Banning "Conversion Therapy": Legal and Policy Perspectives*, edited by Ilias Trispiotis and Craig Purshouse, 167–90. Gordonsville: Hart Publishing, An Imprint of Bloomsbury Publishing, 2023.

<sup>9</sup> [Farley, Harry. "Gay Conversion Therapy: Hundreds of Religious Leaders Call for Ban." BBC News. December 16, 2020.](#)

<sup>10</sup> Herring, Jonathan. "Conversion Practices and Coercive Control." In *Banning "Conversion Therapy": Legal and Policy Perspectives*, edited by Ilias Trispiotis and Craig Purshouse, 111–26. Gordonsville: Hart Publishing, An Imprint of Bloomsbury Publishing, 2023.

## 6. A ban would unjustly impinge upon freedom of speech

Conversion practices are widely understood to constitute torture, inhuman or degrading treatment.<sup>11</sup> This understanding is supported by the UN expert on sexual orientation and gender identity.<sup>12</sup> Speech in relation to conversion practices can therefore be viewed as an essential element through which this degrading treatment is conducted.<sup>13</sup> **It is the conduct which is outlawed, not the speech itself.** As stated above, the UK Government confirmed in its 2021 consultation that **“casual conversations, exchanges of views, private prayer or pure speech acts” do not fall under its understanding of conversion practices.**

## 7. Changing gender is a form of conversion therapy of LGB people and changing gender should be banned

**Trans people exist** and some young people need to explore their gender identity. They need to do this with experts and caregivers who are curious about their experiences and leave doors open. Crucially, young people need to be listened to.

All young people need to be able grow and learn about who they are and who they might be, without shame. That remains true for young LGB people and for young people exploring their gender identity. No provision to criminalise conversion therapy should prevent this from happening.

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<sup>11</sup> Independent Forensic Expert Group. “Statement on Conversion Therapy.” *Journal of Forensic and Legal Medicine* 72 (May 1, 2020): 101930. <https://doi.org/10.1016/j.jflm.2020.101930>.

<sup>12</sup> [Office of the United Nations High Commissioner for Human Rights. “‘Conversion Therapy’ Can Amount to Torture and Should Be Banned Says UN Expert.” Office of the United Nations High Commissioner for Human Rights, July 13, 2020.](#)

<sup>13</sup> [Lapin, John J. “The Legal Status of Conversion Therapy.” \*Georgetown Journal of Gender and the Law\* 22, no. 1 \(2020\).](#)