

# Equalities, Human Rights and Civil Justice Committee

7th Meeting, 2021 (Session 6), Tuesday, 2 November 2021

Note by the clerk

## Petition PE1817: End Conversion Therapy

### Background

1. [PE1817: End Conversion Therapy](#) was lodged in August 2020. It calls on the Scottish Parliament “to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland”.
2. In the previous session of the Parliament (Session 5) the Public Petitions Committee received written evidence from: [the Scottish Government](#) and jointly from [Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland](#)
3. In its submission the Scottish Government noted that the UK Government published its LGBT Action Plan in 2018, which included a commitment to ban conversion therapy in the UK.
4. The Session 5 Public Petitions Committee referred the petition to the Session 5 Equalities and Human Rights Committee. That Committee received [further written evidence](#) jointly from Stonewall Scotland, Equality Network, Scottish Trans Alliance and LGBT Youth Scotland and agreed to keep the petition open and to refer it to its successor committee for this parliamentary session.
5. In May 2021 the UK Government announced measures would be brought forward to ban conversion therapy in the [Queen's speech](#). This was followed by a commitment to [launch a consultation and then introduce legislation banning conversion therapy in the UK](#).
6. On 30 June 2021, Committee clerks sought an update on the Scottish Government’s position. In its [response of 12 August 2021](#), the Scottish Government notes:-

- Scottish Government officials have met five times with the UK Government Equalities Office (GEO) and the devolved administrations of Wales and Northern Ireland
- the public consultation announced in the Queen’s Speech on 11 May
- the Minister for Equalities and Older People wrote to the UK Government’s Minister for Women and Equalities, Liz Truss, on 14 July.

7. Kemi Badenoch MP, Minister for Equalities, [replied on 31 August](#).

8. Further to this, [the Scottish Government and Scottish Green Party draft shared policy programme](#) (published on 20 August; updated 25 August) states the parties will—

“aim to bring forward legislation to implement a ban on conversion therapy in Scotland, which is as comprehensive as is possible under currently devolved powers by the end of 2023, unless sufficiently comprehensive proposals are brought forward before then by either the UK Government or through the Scottish Parliament.”

## Call for views

9. To further inform its consideration of the issues raised and the actions called for in the petition, the Committee issued a [Call for Views](#), which ran from 6 July to 13 August 2021.

10. Around 1400 submissions were received. The majority of these were from individuals in support of the petition.

11. [Published submissions](#) are available on the Citizen Space platform and can also be accessed via the Committee’s [website](#).

## Oral evidence

12. The Committee has taken evidence during September 2021. Further evidence sessions will be held during November, to reflect the range of views expressed in the responses to its Call for Views. This will include hearing from people and groups who support the action called for in the petition, as well as those who have expressed concerns.

13. On [7 September](#) the Committee took evidence from —

- Tristan Gray and Blair Anderson, on behalf of End Conversion Therapy Scotland

14. On [14 September](#) the Committee heard from—

- Megan Snedden, Policy and Campaign Manager, Stonewall Scotland
- Dr Rebecca Crowther, Policy Co-ordinator, Equality Network
- Vic Valentine, Manager, Scottish Trans Alliance
- Paul Daly, Policy and Research Manager, LGBT Youth Scotland.

15. On [21 September](#) the Committee heard from—

- John Wilkes, Head of Scotland, Equality and Human Rights Commission
- Barbara Bolton, Head of Legal and Policy, Scottish Human Rights Commission
- Dr Igi Moon, Chair, Memorandum of Understanding Coalition Against Conversion Therapy
- Jen Ang, Director of Development and Policy, JustRight Scotland

16. At this meeting the Committee will take evidence from—

- Rici Marshall Cross, Clerk of South Edinburgh Local Meeting of the Religious Society of Friends, Quakers in Scotland;
- Jayne Ozanne, Director of the Ozanne Foundation, Chair of the Ban Conversion Therapy Coalition;
- Rev Elder Maxwell Reay, member of the Council of Elders of Metropolitan Community Churches, NHS Health Care Chaplain;
- Rev Fiona Bennett, minister of the Augustine United URC and Moderator Elect of the General Assembly, United Reformed Church.

## **Committee Clerks 28 October 2021**

## **Annexes**

The following documents are included for this meeting—

- Annexe A: [Petition 1817 as lodged \(considered from 13 August 2020\)](#)
- Annexe B: [Scottish Government letter of 12 August 2021](#)
- Annexe C: [UK Government letter to Scottish Government of 31 August 2021](#)
- Annexe D: [South Edinburgh Local Meeting of Religious Society of Friends \(Quakers\)](#)

## Annexe A

Petition 1817 as lodged (considered from 13 August 2020)

Calling on the Scottish Parliament to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland.

### Previous action taken

We have contacted Ben Macpherson MSP and Maree Todd MSP.

### Background information

Despite much progress around LGBT+ rights over the past decade, there is a real threat to LGBT+ people throughout their lives from conversion therapy. Conversion therapy, the forced conditioning against a person's sexuality or gender identity, has damaged generations of LGBT+ young people and adults and continues to do so. This incredibly harmful practice especially targets LGBT+ people when they are at their most vulnerable.

Stonewall's [Unhealthy Attitudes report \(2015\)](#) found 10 per cent of health and care staff had witnessed colleagues expressing that lesbian, gay and bi people can be "cured" of their sexual orientation. This leads to poor treatment of lesbian, gay, bi and trans people within health and social care services.

A [2009 survey](#) of over 1,300 accredited mental health professionals found that more than 200 had offered some form of conversion therapy, with 35 per cent of patients referred to them for treatment by GPs and 40 per cent treated inside an NHS practice.

As recently as 2018, the Catholic Diocese of Paisley's online resources included several resources developed by advocates for gay 'cure' therapy on its website. One pamphlet hosted on the church website encourages parents to consider sending homosexual children for conversion therapy.

The [2018 Faith & Sexuality Survey from the Ozanne Foundation](#) found:

Over one in five respondents (20.7%) had "been advised to consider attempts to change" their sexual orientation and just over one in seven (14.9%) had "voluntarily considered" it.

Concerningly, 3.5% of LGBT+ respondents had "been forced to go through attempts to change" their sexual orientation. In total, 11.4% of respondents said they had actual experience of attempting to change their sexual orientation. This was most

common amongst those who defined themselves as "lesbian" (25.1%), "gay" (21.4%) and "same-sex attracted" (23.2%).

However, 74% who attempted to change their sexual orientation said that "it did not work for me and I do not believe it works for others".

Of those respondents with experience of attempting to change their sexual orientation, only 30.1% said they had "gone on to live a happy and fulfilled life"; 69.9% were unhappy and unfulfilled, and 46.1% stated that "I have found it hard to accept myself for who I am".

Significantly, almost two-thirds, 58.8%, had "suffered from mental health issues" as a result of the conversion therapy, and nearly a third, 31.2%, said, "I have sought counselling to help me recover from it".

Most of those who said they had had mental health issues had suffered from anxiety and depression (a total of 252 people), with women (65.1%) more likely than men (53.8%) to state that they actually "required medication".

The most frequent response under "Other" was the fact that respondents had been diagnosed with "Post Traumatic Stress Disorder".

The most frightening statistic is that nearly a third, 32.4%, had "attempted suicide".

In addition:

- Two-thirds of those with mental health issues, 68.7%, said they had "suicidal thoughts".
- 40.2% "self-harmed"
- 24.6% suffered from "eating disorders"

Over half of respondents said that they thought sexual orientation change therapy "should be made a criminal offence" and a quarter, 24.2%, said that they thought "it should not be made a criminal offence, but should be stopped". Only 5.2% thought "it should be allowed".

These responses clearly show that there is a significant public health case for banning conversion therapy. The experiences of those who were put through this practice show that enforcing this ban should fall under criminal law. Both of these areas fall within the devolved powers of the Scottish Parliament.

Despite committing to ending this practice years ago, the British Government has not acted. Instead recently women's and equalities minister Elizabeth Truss MP has adopted, what we believe is, the anti-trans rhetoric of hate groups in a way that will only ensure the expansion of providers and efforts to pressure people with trans identities to undergo this horrific practice.

It is clear this issue isn't going away, even as a redoubled campaign against transgender identities ensures that practices such as conversion therapy are as much of a threat than ever.

Given this information, it is clear that conversion therapy is a risk to public health, especially the mental health of vulnerable young adults and children. There is broad support for its criminalisation by those who have been subjected to it, and, as healthcare and criminal justice matter, we believe it to be within the scope of the Scottish Government's powers to ensure this practice is brought to an end.

Created by

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## Annexe B

### PE1817 – End Conversion Therapy

#### Scottish Government letter of 12 August 2021

Thank you for your email of 30 June, which sought an update from the Scottish Government on banning the provision or promotion of conversion therapy in Scotland.

The Scottish Government is clear conversion therapy is an abhorrent practice that has no place in Scotland. We are therefore strongly supportive of the UK Government's commitment to ban conversion therapy.

Since the Scottish Government's submission to the previous Committee on 17 July 2020, Scottish Government officials have met 5 times with the UK Government Equalities Office (GEO) and the devolved administrations of Wales and Northern Ireland – in varying meeting combinations - to discuss LGBTI equality issues, including plans to ban conversion therapy. At the meeting in May, officials agreed that the four administrations would continue to meet regularly to discuss matters, including banning conversion therapy.

In the Queen's Speech on 11 May 2021, it was announced that a period of public consultation would be undertaken prior to enacting legislation to ban the practice of conversion therapy. Scottish Government officials have asked for the opportunity to feed in to the consultation's development and for assurance that stakeholders in Scotland are aware of this development.

We have noted to GEO colleagues our understanding that their research to date and the subsequent consultation are likely to have significant influence on establishing the contexts in which conversion therapy is occurring. This will help to frame the development of policy and help to inform discussions around the extent of reserved and devolved responsibility.

The UK Government's 2018 LGBT Action Plan<sup>1</sup> states that some commitments, "for example on ending conversion therapy, will require a UK-wide approach". However, we note that as yet no detailed proposals on this 2018 commitment have been brought forward to enable us to consider the extent to which they cover Scotland, and the interactions between reserved and devolved powers.

The Minister for Equalities and Older People, Christina McKelvie MSP, wrote to the Minister for Women and Equalities, Liz Truss MP, on 14 July 2021 requesting information about the UK Government's approach and current thinking in relation to the scope, impacts and likely timescales of the ban. A response is yet to be received.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721367/GEO-LGBT-Action-Plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf)

Scottish Ministers are clear that if the UK's proposals do not result in banning conversion therapy in Scotland, we will bring forward our own legislation, in so far as is possible within the powers of the Scottish Parliament.

The Scottish Government recognises the importance of ensuring that LGBTI equality is protected and promoted and will continue to support and engage with the Committee in relation to their inquiry on this matter.

I hope this information is helpful in supporting the Committee's considerations.



## Annexe C

### UK Government letter to Minister for Equalities and Older People, Scottish Government, 31 August 2021

Dear Christina,

#### CONVERSION THERAPY

I am writing to follow up on our announcement that we will be legislating to ban conversion therapy and that we will be making funding available to support victims. I know you have a strong interest in this important issue and I wanted to update you on our plans.

Our National LGBT Survey in 2017 found that 2% of respondents had undergone conversion therapy, and a further 5% of respondents had been offered it. This Government has also heard many first-hand accounts of the harm which these abhorrent practices cause. In July 2020, the Prime Minister reiterated our commitment to tackling conversion therapy, and we have been working hard to identify the best way to do so.

I am pleased to confirm that we will be introducing legislation to ban conversion therapy practices for good, when Parliamentary time allows.

We will be launching a consultation aimed at hearing a range of views so we can ensure our legislative proposals are informed, balanced and effective in tackling this issue. The consultation will seek further views from the public and key stakeholders to ensure that the ban can address these abhorrent practices while protecting the medical profession, defending freedom of speech, and upholding religious freedom. The evidence we gather from this consultation, will be considered alongside the results of the research we have commissioned on the prevalence, nature and impact of conversion therapy, which will be published. I will set out more details on next steps in due course.

I am also pleased to announce we will be funding a package of support for victims of conversion therapy. This package will fund a helpline for victims, as well as, providing resources for those in safeguarding positions, such as teachers, to identify and report conversion therapy cases.

Conversion therapy must end and legislating will allow us to put a stop to these abhorrent practices for good.

Yours sincerely

Kemi Badenoch MP  
Exchequer Secretary to the Treasury &  
Minister for Equalities

## FAQs

Why do we need to end the practice of conversion therapy?

- There is a growing body of evidence that conversion therapy is harmful, and that exposure to conversion therapy is associated with poor mental health outcomes, including suicidal thoughts.
- 2% of 108,000 respondents to the National LGBT Survey 2017 said they had undergone conversion therapy, and a further 5% of respondents said they had been offered it.
- 51% of respondents who had undergone conversion therapy said that it had been conducted by faith groups, while 19% said that it had been conducted by healthcare providers or medical professionals.

Will there be a ban?

- Yes. We are looking to bring forward measures to ban conversion therapy as soon as Parliamentary time allows.

Will there be a consultation?

- Yes. We want to ensure that a ban on conversion therapy works for those who need to be protected most whilst also protecting the medical profession, defending freedom of speech, and upholding religious freedom.
- This is a very complex issue and we want to engage with stakeholders to ensure any action we take is proportionate and effective.
- We will be engaging with stakeholders to shape the ban on conversion therapy and ensure any action we take is informed, proportionate and effective.

Will the legislation be for England only?

- The territorial application of the ban will largely apply to England and Wales only but there may be some measures that are reserved to the UK Government and which will apply to the UK as a whole.
- We will remain in close contact with the devolved administrations as we finalise these measures to find constructive solutions to end this abhorrent practice for good.

Are you going to ban conversion therapy for children and adults?

- Our ambition is to protect all those affected by conversion therapy whilst making sure the action we take is proportionate and effective, with no unintended consequences.

- That is why we will be launching a consultation to hear a range of views on the scope of the ban and engage with stakeholders to ensure we achieve a ban that works for those who need it most.

Will a ban stop trans people accessing legitimate support for their gender identity?

- No. We want to ensure anyone can access the support they need.
- We will be engaging with a wide range of experts and stakeholders, including the healthcare sector.
- We also want to ensure medical professionals seeking to offer advice to individuals with gender dysphoria within clinical and legal guidelines are able to continue practicing as normal.

Will you also ban conversion therapy based on gender identity of minors?

- We are considering how best to protect anyone from attempts to change their gender identity or sexual orientation, while ensuring parents, teachers and medical professionals are able to support and protect young people.
- This ban must not impact on the independence and confidence of clinicians to support those who may be experiencing gender dysphoria. This is a complex issue and we must take account of the wider work going on in this space, in particular the ongoing Cass review.

Will you stop young people from having conversations over their sexual orientation?

- No. We will be working with relevant stakeholders to ensure any proposals will ensure medical professionals, teachers and parents continue to have open and honest conversations with young people.

How will you support victims of conversion therapy?

- We will be making funding available to ensure victims of conversion therapy can find and access the support they need. This support will be available to whoever considers themselves to be at risk of- or have undergone- conversion therapy, whatever the circumstances.

Will you stop people who want conversion therapy from undergoing it?

- We do not want to prevent people from seeking legitimate medical or spiritual support should they wish to do so. However, this does not mean we will tolerate the use of coercive or abusive practices under the guise of support, whatever the setting.
- We understand this is a complex issue and we will be working with stakeholders to ensure we do not unduly inhibit people seeking genuine support.

- Given the broad range of acts that are often associated with conversion therapy, we will need to consider how consent operates for each individual act. Where it is clear that the act may cause demonstrable harm, there is a stronger case for us intervening regardless of consent.

Will a ban stop people accessing spiritual support?

- No. We will engage with relevant stakeholders and seek a wide range of views within the consultation to ensure a ban does not stop people accessing legitimate spiritual guidance.
- If an act of conversion therapy causes demonstrable harm and would also be considered spiritual support, then we will need to consider whether it is appropriate to act on this. During the consultation phase we would like to hear from a wide range of voices on important issues such as this.

Are you going to ban prayer?

- No.

Will a ban impact free speech?

- Free speech underpins our democratic society and we will protect that as we develop policy to end conversion therapy practices.
- We are working to understand the impact on wider rights and freedoms of any Government action to tackle conversion therapy.

## Annexe D

### PE1817 – End Conversion Therapy

#### South Edinburgh Local Meeting of Religious Society of Friends (Quakers) response to the Committee's Call for Views

##### What are your views on the action called for in the petition?

South Edinburgh Local Meeting of the Religious Society of Friends, in keeping with our Quaker Testimony of Equality, affirms our continued leading as a faith community to treat people who are lesbian, gay, bisexual, transgender, queer, intersex, or asexual in the same way as we treat people who are heterosexual or cisgender, and to advocate for the rights of LGBTQIA+ people to be treated equally in society.

We therefore support a ban on all practices that seek to change a person's sexual orientation and/or gender identity.

In 2009, Britain Yearly Meeting of the Religious Society of Friends (Quakers) stated plainly that as a faith community, "...we are being led to treat same sex committed relationships in the same way as opposite sex marriages." In 2013, South Edinburgh Local Meeting responded to the Scottish Government consultation on same-sex marriage in support of a change to the law in order to treat same-sex couples equally to opposite-sex couples. Also in 2013, Southeast Scotland Area Meeting of the Religious Society of Friends (Quakers) joined other faith bodies in Scotland to support changing marriage law in Scotland to include same-sex couples, eventually leading to our support for the Marriage and Civil Partnership Act (Scotland) 2014.

We believe that both sexual orientation and gender identity are sacred gifts. We are deeply troubled by the harm caused to people who have been subjected to conversion therapy for gender identity and/or sexual orientation. We would oppose efforts to change heterosexual people's sexual orientation; we would oppose efforts to change cisgender people's gender, ie, the gender identity of people whose gender identify is consistent with the gender they were assigned at birth. We oppose efforts to change the sexual orientation and/or gender of LGBTQIA+ people.

We support the following action items:

- A comprehensive ban on conversion therapy, accompanied by support to survivors and communities impacted by these practices, as both necessary and urgent.
- That the ban include all forms of conversion therapy on the basis of sexuality or gender identity without exception.
- The Scottish Government should act immediately to ban conversion therapy, without waiting for Westminster, to prevent further harm.

## What action would you like to see the Scottish Government take, within the powers available to it?

- The implementation of a criminal ban on the promotion, provision, causing of a person to undergo conversion therapy or removing a person from the UK to undergo conversion therapy abroad.
- Training on safeguarding and awareness in the public health service and private healthcare providers, and the establishment of an anonymous reporting system.
- Outreach and engagement with religious and community leaders including training to explain the impact of certain teachings on LGBTQIA+ members of their communities.
- Outreach and support for survivors and communities affected by conversion therapy.

## Do you have suggestions on how the Committee can take forward its consideration of the petition?

- Survivors and those who have come to harm through conversion therapy should be at the forefront of any decision making.
- LGBTQIA+ rights groups and mental health experts should also be invited to provide evidence and inform the committee on the best approach to supporting survivors.
- Legal expertise from those with experience in implementing Scottish law in similar areas, for example in domestic abuse, hate crime, and coercive control legislation should be considered to examine the possible application and impact of a criminal ban.