

Equalities, Human Rights and Civil Justice Committee

3rd Meeting, 2021 (Session 6), Tuesday, 14 September 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. All submissions will be reviewed and, where consent has been granted, published over the coming weeks.
11. A summary of submissions from organisations is included at Paper 3.
12. [Published submissions](#) are available on the Citizen Space platform and can also be accessed via the Committee’s [website](#).

Oral evidence

13. The Committee is taking evidence over the coming weeks and months, 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.

14. The Committee also wants to engage with and hear from individuals who have lived experience of conversion therapy. It will consider its approach to this at its next meeting (21 September).

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

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

16. At this meeting the Committee will take evidence 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.

Conclusion

17. The Committee is invited to agree that it will consider evidence heard, publication of individual responses to the Call for Views, its approach to future evidence sessions and consideration of its draft report in private at future meetings.

**Committee Clerks
9 September 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: [Stonewall Scotland, Equality Network, Scottish Trans Alliance and LGBT Youth Scotland submission of 23 September 2020](#)
- Annexe E: [Stonewall Scotland, Equality Network, Scottish Trans Alliance and LGBT Youth Scotland submission of 8 January 2021](#)
- Annexe F: [Stonewall Scotland, Equality Network, Scottish Trans Alliance and LGBT Youth Scotland response to the Committee's Call for Views](#)

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 submission 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 Plan¹ 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.

1

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

Joint submission from Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland submission of 23 September 2020.

Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland support the principles of petition PE1817 to “urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland.” This submission sets out our proposals for ending the harmful practice of sexual orientation and gender identity conversion therapy in Scotland, and commitments we would like to see from the Scottish Government.

Background

In June 2020, the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity called for a global ban on conversion therapy, stating: “practices of ‘conversion therapy’, based on the incorrect and harmful notion that sexual and gender diversity are disorders to be corrected, are discriminatory in nature... actions to subject lesbians, gay, bisexual, trans or gender-diverse persons to practices of ‘conversion therapy’ are by their very nature degrading, inhuman and cruel and create a significant risk of torture.”

At a domestic level, NHS Scotland, in addition to a range of national bodies such as the British Psychological Society and the Royal College of General Practitioners, signed the Memorandum of Understanding (MoU) on Conversion Therapy (2017), which committed to ending the practice of conversion therapy in the UK. It states that conversion therapy, whether in relation to sexual orientation or gender identity, is unethical and potentially harmful. The MoU commits these organisations to making the risks of conversion therapy known to professionals and the public, and to ensuring that new and existing psychological therapists are appropriately trained to avoid these harmful practices.

Our Calls

We understand from the Scottish Government’s correspondence to the Committee that it “fully supports moves by the UK Government to end conversion therapy” and that officials “are engaging with the UK Government as they develop proposals.” As this is an area of policy which may touch both devolved and reserved responsibilities, we encourage the Scottish Government to continue working with the UK Government to ensure any proposals developed by the UK Government would be effective.

However, we would request that the Public Petitions Committee call on the Scottish Government to commit to the following:

- Take measures, within its devolved competence, to end conversion therapy in Scotland, if the UK Government does not make timely progress on ending (including banning) conversion therapy across the UK.
- Take measures, within its devolved competence, to ‘top up’ any measures introduced by the UK Government to end conversion therapy, if these measures would be insufficient in effectively rooting out conversion therapy in all its forms.

Our Proposals

Legislative Ban

Legislation should ban conversion therapy practices that take place in both the public and private sphere, including those performed by healthcare professionals and within faith communities. According to the UK Government’s National LGBT Survey, most instances of conversion therapy in the UK (19 per cent and 51 per cent respectively) occur in these settings. A far-reaching ban is therefore necessary for legislation to be effective.

There should be no restrictions on who is protected by the ban. Children and adults, deemed vulnerable or not, must be protected, including those who ‘consented’. A legislative ban should also include an equal level of protection for those who have been subject to conversion therapy based on sexual orientation or gender identity. This is particularly important given the finding of the National LGBT Survey that trans people were more likely to be offered or subjected to conversion therapies.

Any intervention should begin from the understanding that conversion therapy is not neutral and is targeted at stopping LGBT people from being themselves. Supportive and affirming therapies that allow young people to explore and better understand their sexuality and gender identity should not be affected.

In line with recommendations by the UN, a ban must also include a prohibition on advertising the practice, establish a system of sanctions for non-compliance and a strong complaints mechanism. These measures are essential to ensure the efficient implementation of a legislative ban.

Non-Legislative Measures

It is vital that a specific legislative ban on sexual orientation and gender identity conversion therapy is accompanied by a wider package of work to root out these damaging practices in all their forms, seeking to end the practice in addition to banning it, and support survivors. These measures will also mitigate the risk that criminalising the practice might drive conversion therapy underground.

The UN Independent Expert made recommendations for educational campaigns that tackle stigma around the LGBT community, fostering an open dialogue with health professionals and religious groups to raise awareness around the harms of conversion therapy, and training for practitioners.

In addition to focusing on prevention, work around conversion therapy should seek to support survivors of conversion therapy, such as establishing a helpline, counselling service, and developing compensation initiatives.

Annexe E

PE1817 – End Conversion Therapy

Joint submission of 8 January 2021 from Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland.

As national LGBTI organisations, we strongly support the principles of petition PE1817, to urge the Scottish Government to end the harmful practice of conversion therapy. The UK Government's National LGBT Survey highlighted that seven per cent of LGBT people have been offered or undergone conversion therapy, including 13 per cent of trans people.

We therefore warmly welcome that this petition has been referred on from the Public Petitions Committee to the Equalities and Human Rights Committee for further, more detailed consideration, including of what action the Scottish Government should take within its competence. Our joint [briefing](#), submitted to the Public Petitions Committee in advance of their initial consideration of the petition, details our initial proposals for a legislative ban, and for this to be supplemented by non-legislative measures to end the practice, in addition to banning it.

The UK Government committed to ending conversion therapy in their [LGBT Action Plan \(2018\)](#), and reaffirmed this commitment in 2020, although have not yet brought forward any proposals. The Minister for Equalities and Older People, Christina McKelvie MSP, has previously stated that the Scottish Government “are continuing to engage with officials in the UK Government on their thinking as it develops, and this will include consideration of devolved and reserved responsibilities as they relate to this practice.” We believe the Scottish Government must take measures in the next parliament to end this practice in Scotland, including through the introduction of a legal ban, working with the UK Government where necessary. We, of course, recognise that due to the legislative timetable, it will not be possible to legislate to end conversion therapy in this parliamentary session.

Scotland would not be the first nation to end conversion therapy practices. Six countries have now implemented national legal bans on conversion therapy, including Germany, as well as several states in the United States and Australia. Legislative bans have also been proposed in Canada and France. The [UN Independent Expert](#) on Sexual Orientation and Gender Identity called for a global ban in June 2020, reporting that conversion therapy practices are “deeply harmful interventions...inflicting severe pain and suffering, and resulting in long-lasting psychological and physical damage”. More recently, hundreds of religious leaders across the world signed a [declaration](#) calling for “all attempts to change, suppress or erase a person’s sexual orientation, gender identity or gender expression – commonly known as ‘conversion therapy’ – to end, and for these harmful practices to be banned.”

In advance of the Equalities and Human Rights Committee’s meeting on 14 January 2021 to consider public petitions, we call on the Committee to keep petition PE1817 open for further consideration. As it will not likely be possible to resolve this matter

fully prior to the 2021 Scottish Parliament election, we ask the Committee, in addition to considering the petition now, to pass it on to its successor session 6 Committee, as part of its ongoing work legacy. We would hope that the successor Committee would undertake detailed consideration and evidence-gathering on conversion therapy early in the next parliamentary session, including engagement with the new Scottish Government. It is important that this petition, which has been supported by over 5,500 signatories, remains firmly on the agenda of the Scottish Parliament and Scottish Government.

Ad interim, we would request that the Committee ask the current Scottish Government what action it is taking forward on this issue at present, and to commit to taking measures to end, including banning, sexual orientation and gender identity conversion therapy.

We look forward to continuing to engage with the Committee as it takes forward its consideration of petition PE1817 on ending conversion therapy.

Annexe F

PE1817 – End Conversion Therapy

Stonewall Scotland, Equality Network, Scottish Trans Alliance and LGBT Youth Scotland response to the Committee's Call for Views

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

Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland strongly support the principles of petition PE1817, to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland.

As noted in the call for views, our organisations jointly submitted written evidence to the Scottish Parliament in September 2020 and January 2021, as the petition received initial consideration from the Public Petitions Committee and the Equalities and Human Rights Committee, respectively. We welcomed that the Equalities and Human Rights Committee in Session 5 agreed to keep petition PE1817 open for its successor committee to consider, and that the Equalities, Human Rights and Civil Justice Committee has since launched this call for views on the petition. This joint response builds on our previous submissions.

We agree that action must be taken to prohibit conversion therapy practices from being provided or promoted in Scotland to protect LGBTQ+ communities from harm. So-called 'conversion therapy' – also known as conversion practices, suppression practices, reparative therapies, and cure therapies – is a damaging, degrading and discriminatory practice that seeks to change someone's sexual orientation and/or gender identity. These practices may also aim to stop a person expressing their sexual orientation and/or gender identity – for example, by persuading them to change or deny their sexual orientation or suppress their gender identity or expression. Conversion therapy can take many forms, ranging from pseudo-psychological treatment and aversion therapies to practices that are religiously based, such as 'purification' or fasting. At its most extreme, there is evidence that this can also involve physical and sexual violence, including so-called 'corrective rape'.

The UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity ('IE SOGI') called for a global ban on conversion therapy in a 2020 report to the Human Rights Council, stating that conversion therapy practices "inflict severe pain and suffering and result in psychological and physical damage" and are "by their very nature degrading, inhuman and cruel and create a significant risk of torture". The IE SOGI further stated that these practices are based on the "incorrect and harmful notion that sexual and gender diversity are disorders to be corrected". The Independent Forensic Expert Group recognise conversion therapies as having "no medical or scientific validity", with no sound scientific evidence that conversion therapy in any form is effective in changing LGBTQ+ identities, and "no medical justification for inflicting on individuals torture or other cruel, inhuman, or degrading treatment or punishment."

Our organisations believe that all forms of practice of either a coercive or non-coercive nature – in any setting – that seek to change, cure, convert or cancel a person’s sexual orientation and/or gender identity are inherently abusive and harmful and should be banned.

Testimonies from people across the UK who have experienced conversion therapy are available to view on the Ban Conversion Therapy website at <https://www.banconversiontherapy.com/stories>

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

As noted in response to Question 1, our organisations support a ban on LGBT+ conversion therapy practices from being provided or promoted in Scotland. In our joint manifesto for the 2021-26 Scottish Parliament, we called upon the Scottish Government to end the harmful practice of sexual orientation and gender identity ‘conversion therapy’, including through introducing a comprehensive legal ban, working with the UK Government where necessary. We welcomed that all five political parties elected to the Scottish Parliament committed to ending conversion therapy in their manifestos.

Below, we will set out our views on action that could be taken by the Scottish and/or UK Governments, the key features that we consider to be necessary as part of any legislative ban, and the wrap-around support that could be provided to complement any ban.

Legislative ban

Any action to end sexual orientation and gender identity conversion therapy practices must include a comprehensive legislative ban.

The UK Government’s National LGBT Survey (2018) of 108,000 LGBTQ+ people across the UK identified the scale of the provision and promotion of conversion therapy practices in the UK. It found that 7 per cent of LGBTQ+ people in Scotland had either undergone or been offered conversion therapy, including 10 per cent of trans people in Scotland. A ban must therefore cover conversion practices for both sexual orientation and gender identity, thereby providing equal protection to all LGBTQ+ people.

To effectively end conversion therapy, a ban must also cover practices that occur across all public and private spheres, including in religious and faith-based settings, where conversion therapy practices predominantly take place. This aligns with the recommendations of the UN IE SOGI that conversion therapy practices should be banned from being "advertised and carried out in healthcare, religious, education, community, commercial or any other settings, public or private". Of those respondents to the National LGBT Survey from Scotland who had undergone conversion therapy, 46 per cent said it had been conducted by a faith organisation or group, 22 per cent said it had either been conducted by a parent or a person from

their community, and 16 per cent said it had been conducted by healthcare providers or medical professionals. The UN Special Rapporteur on Freedom of Religion or Belief stated in April 2021 that “international human rights law is clear that the right to freedom of religion or belief does not limit the state’s obligation to protect the life, dignity, health and equality of LGBT+ persons” and that “banning such discredited, ineffective, and unsafe practices that misguidedly try to change or suppress people’s sexual orientation and gender is not a violation of the right to freedom of religion or belief under international law.”

There should be no other restrictions on who is protected by a ban, with children and young people, and adults, equally protected from these abusive and harmful practices. Furthermore, any exemption for those who "consented" to conversion practices would leave many at risk of serious physical and psychological harm from these inhumane and degrading practices. The Australian State of Victoria’s Change or Suppression (Conversion) Practices Prohibition Act 2021 bans 'change or suppression practices' carried out "whether with or without the person's consent". The Independent Forensic Expert Group notes that for an individual to give 'informed consent' to conversion therapy it "would require that an individual is informed about the practices that will be applied, as well as their ineffectiveness, the likely physical and psychological harm that will result, and the inability to achieve the desired result."

It is important to note that conversion therapy is not neutral and is targeted at stopping LGBTQ+ people from being themselves. Any practice that is conducted with a predetermined, one-directional outcome to change, convert, cure, or cancel a person’s sexual orientation and/or gender identity is harmful and denigrating, and must be banned. On the contrary, supportive and affirming therapies that allow people to explore, better understand, and accept their sexual orientation and/or gender identity, should not be precluded by a ban on conversion therapy. The IE SOGI recommends that states "adopt and facilitate health-care and other services related to the exploration, free development and/or affirmation of sexual orientation and/or gender identity."

Wider support package

Our organisations believe that a legislative ban on conversion therapy should be accompanied by a wider package of work to eradicate conversion therapy in all its forms, seeking to end the practice in addition to banning it, and providing crucial support for survivors.

Organisations across the UK that form the Ban Conversion Therapy coalition, including LGBT+ service providers, have recommended the following important measures as a support package to accompany a legal ban:

- Immediate statutory provision of publicly funded specialist support services for current survivors, including: a helpline for current survivors and those at risk; specialist advocates to support survivors, provide advocacy in engaging with relevant generalist services, and provide appropriate support for those who are involved as survivors in ongoing criminal prosecutions; and safe and appropriate mental health support.

- Statutory provision of publicly funded specialist support services for survivors of historical cases, including a helpline to provide signposting to mental health support services, and funding to enable reporting on the long-term impact of conversion practices.
- A programme of work to reach current survivors of conversion practices and those most at risk of the practices, to give them the language to understand their experiences, awareness that it is illegal and that support systems are available, and insight into the harm that has been done to them.
- A centralised needs assessment underpinned by research to understand the prevalence, forms, and locations in which conversion practices occurs, both currently and historically, to inform the future commissioning of services for current and historical survivors. This review should also include identification of which institutions and regulatory bodies are most likely to come into contact with survivors of conversion practices.
- A comprehensive programme of professionally accredited specialist trainings that should cover safeguarding and awareness issues and competence in providing safe and effective support for all medical and mental health providers, social workers, counsellors, psychotherapists and psychological therapists and related professions, as well as all religious organisations to identify those at risk of or currently undergoing conversion practices.
- Development of regulatory standards through professional practice guidelines for medical, psychological, social care, counselling, and psychotherapy practitioners. Regulatory standards must also be developed to cover pastoral care and spiritual guidance provision whose aim is to improve mental and spiritual health.

We recognise that it may be necessary for the Scottish Government to work collaboratively with the UK Government on some of these areas, whether due to their reserved nature, or where there may be cross-border considerations.

UK and Scottish Governments

The UK Government committed in their LGBT Action Plan (2018) to bringing forward proposals to end the practice of conversion therapy in the UK. It later announced in the Queen's Speech in May 2021 that it planned to legislate to ban conversion therapy, and would consult on proposals. It has been confirmed that this consultation will be launched in September 2021. The Scottish Government have since stated that they are "awaiting precise details of the UK Government's proposals, including in terms of whether they are likely to apply to Scotland." They further note: "if the proposed actions do not result in the banning of this discriminatory and harmful practice in Scotland, we will consider our next steps in banning conversion therapy, in so far as is possible within the powers of the Scottish Parliament."

If it is made clear that the UK Government's proposals are not likely to apply to Scotland, the Scottish Government should promptly bring forward its own plans to

deliver a comprehensive ban on conversion therapy. Any significant delays will lead to further harm being caused to those LGBTQ+ people in Scotland at risk of being offered or undergoing these practices.

If the UK Government does indeed intend to legislate on behalf of Scotland, and the Scottish Government is agreeable to this, we would strongly call upon the Scottish Government to challenge the UK Government to ensure that any legislative ban brought forward:

- Applies to all public and private settings in which conversion therapy takes place, including faith-based, medical, traditional, domestic, and cultural settings.
- Applies to conversion practices for both sexual orientation and gender identity.
- Protects LGBTQ+ people of all ages.
- Does not include an exemption for those who "consented" to the practice.

In our view, the Scottish Government should not consent to legislation which falls short of this standard, should the powers available to it enable a more effective ban to be introduced in the Scottish Parliament.

We would strongly encourage the Scottish Government to introduce legislation in the Scottish Parliament to ban conversion therapy, within its devolved competence, if:

- The UK Government does not make timely progress on banning conversion therapy across the UK, and particularly if
- The proposals made by the UK Government to ban conversion therapy would be insufficient in effectively protecting all LGBTQ+ people, or rooting out conversion therapy in all its forms.

We therefore consider it vital that the Scottish Government urgently develops a policy position on how the harmful practice of conversion therapy should be ended in Scotland, against which any UK Government proposals can be measured, and which may form the basis for any necessary action in devolved areas. Establishing such a position would further be useful for being able to act promptly should a decision be taken to ban conversion therapy through an Act of the Scottish Parliament. We hope that the Committee's call for views will be able to inform the development of detailed policy proposals.

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

We would strongly encourage the Equalities, Human Rights, and Civil Justice Committee to continue to keep the petition open for further consideration, particularly while action has not yet been taken forward to ban conversion therapy in Scotland.

We would further encourage the Committee to hold the Scottish Government accountable to their commitments on conversion therapy, particularly as details of the UK Government's proposals, and whether they are likely to apply to Scotland, become clear. We would hope these details would become apparent when the UK Government consults on its proposals in September.

In terms of who the Committee should hear from, it will be important to consider the views of survivors and LGBTQ+ communities, while recognising that relaying experiences of abuse can be retraumatising for many survivors of conversion therapy. The Committee may wish to consider holding a private evidence session to hear from survivors, as its predecessor committee did to hear from people with historical discriminatory convictions for "homosexual offences". The views of legal experts, human rights organisations, and signatories of the Memorandum of Understanding will also be beneficial to the Committee's consideration of the petition.

The Committee may also wish to hear from representatives of jurisdictions that have implemented legal bans on conversion therapy. Several countries have introduced national bans on conversion therapy, including Germany, while others such as Canada, France, and New Zealand are considering introducing bans. At a regional level, states and provinces in the United States, Spain, and Australia have also implemented conversion therapy bans. The Australian State of Victoria's Change or Suppression (Conversion) Practices Prohibition Act 2021 has been recognised as a world leading piece of legislation.