



## CONVERSION THERAPY UPDATE – October 2023

The Scottish Government has promised a public consultation on conversion therapy legislation covering both sexual orientation and gender identity by the end of 2023. It had previously committed to publish a Bill by this date.<sup>1</sup>

Public concern about plans to ban 'conversion therapy' has increased since its 'Expert Advisory Group' published a chilling report demanding an extreme conversion therapy ban.

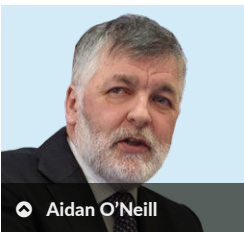
The Scottish plans go even further than Victoria, Australia, where "not affirming

someone's gender identity" is unlawful conversion therapy, as is a parent refusing consent for their child to take puberty blockers.<sup>2</sup>

Conversion therapy is a deliberately broad term chosen by LGBT activists. There may be quack therapists – and sadly, even some church leaders – who exploit people and use abusive practices. Verbal and physical abuse is illegal already. Activists want a ban to reach into churches and families and to use the criminal law to force people to endorse LGBT ideology.

## Banning prayer 'beyond Scot Govt powers'

In a legal opinion commissioned by The Christian Institute, top KC Aidan O'Neill warns that the Scottish Government would be exceeding its legislative powers if it pursues proposals to ban conversion therapy.<sup>3</sup>



Aidan O'Neill

Mr O'Neill says recommendations made by the Scottish Government's 'Expert Advisory Group' are "fundamentally illiberal".<sup>4</sup> If adopted, the plans would result in the most totalitarian conversion therapy ban in the world. All sorts of innocent people would be criminalised:

**"...this would have the undoubted effect of criminalising much mainstream pastoral work of churches, mosques and synagogues and temples."<sup>5</sup>**

**"...these proposals would also criminalise parents who lovingly and in good faith... seek to caution their children in relation to any stated intention to embark on 'gender affirmatory'/'gender transition' treatment."<sup>6</sup>**

Crucially, he also warns that the plans interfere with Westminster powers and human rights law, providing a strong basis for a legal challenge.

The Institute's Simon Calvert said: "The Scottish Government... may not like what Christians have to say about sexuality, or what feminists have to say about gender identity, but they can't just criminalise opinions they don't like."<sup>7</sup>

# Scot Govt 'Expert Advisory Group'

In November 2021, the Scottish Government announced it would establish an 'Expert Advisory Group on Ending Conversion Practices' to make recommendations for changes to the law. Members were appointed without any formal process<sup>8</sup> and only those in support of a broad ban were given a seat at the table. The Group published its recommendations to the Scottish Government in October 2022.<sup>9</sup>

The Group defines 'conversion practices' as "any treatment, practice or effort that aims to change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression". It recommends that intentionally performing, offering, promoting, or referring a person for such practices be criminalised. It says no exceptions should be allowed, even where a person consents.<sup>10</sup>

## CRIMINALISING PRAYER

The Group is adamant that the law should apply in any setting. Only an "affirmative" environment is to be encouraged.<sup>11</sup> Its proposals open up ordinary church work to spurious accusations of attempting to 'suppress' LGBT people.

Christian teaching that sexual activity should only take place within a lifelong man-woman marriage and that our gender is defined biologically is frequently denounced as an attempt to 'change' or 'suppress' those who identify as LGBT.

Christians believe their lives must be changed by the Gospel, and conversion to Christ is at the heart of our faith. But these teachings are viewed by hostile activists as attempts to force people to change their identity. So prayer and pastoral care for people seeking to live in accordance with the Bible's teaching could become illegal under the kind of ban the Group's report calls for.



## Parliament's bias will lead to bad law

Last January, the CI wrote to Scotland's Presiding Officer, Alison Johnstone, challenging the evident bias of Holyrood's Equalities

Committee.<sup>15</sup> MSPs on that Committee were responsible for scrutiny of a public petition calling for a broad conversion therapy ban.

Of the Committee's ten members, seven had previously signed a pledge to bring forward the ban. The pledge was drafted by

the same people who lodged the petition. Out of eight evidence sessions, only one was given to those expressing concerns. With Committee members also tweeting their support to those campaigning for a ban, we warned the Scottish Parliament that this kind of bias would lead to inadequate scrutiny and flawed legislation.





## CRIMINALISING PARENTS

***The Advisory Group shockingly advocates removing children from their parents.***

Its report states: “Where parents or guardians have engaged in conversion practices, the modification or even withdrawal of their parental or guardianship rights is envisaged as an option.”<sup>12</sup>

It says a ban will encourage “a supportive and affirmative environment”.<sup>13</sup> Given the wide interpretation of the term “suppression”, it is clear the report is calling for the criminalisation of parents who do not encourage their LGBT-identifying children to pursue homosexual relationships or identifying as the opposite sex.

It is very likely that a Christian parent encouraging a child to live in accordance with biblical ethics would fall foul of the ban if the child claims to be LGBT.

## CRIMINALISING “THE IMPORTANCE OF MARRIAGE”

The Group claims that: “Religious and cultural obligations play a huge part in why people may suppress being LGBT+”. It then makes the astonishing claim that: “The importance of marriage is one such obligation”.<sup>14</sup>

So even teaching the importance of marriage is deemed to be part of ‘conversion therapy’.

Of course, Christians do hold marriage in very high regard. It is the right place for sexual activity and is given by God as a blessing to all people. Framing a new law on the basis that marriage is a danger to LGBT people is a clear attack on Christian principles.



## MSPs call for extreme version of ban

In March 2022, MSPs debated a report from the Scottish Parliament’s Equalities Committee which suggests that Victoria’s conversion therapy law (see back page) is a good model to follow.<sup>16</sup>

Many MSPs who spoke agreed with such broad legislation, with one referring to the Victoria ban as “best practice”.<sup>17</sup>

A number did say they want to respect religious freedom, and the Equalities Minister said concerns about the potential

effects of a ban would be “considered extremely carefully and sensitively”.<sup>18</sup> Contact from concerned constituents



clearly made an impact. But it was also evident that many did not understand that religious freedom includes beliefs they don’t personally agree with. Some made it clear that only religious activities that they considered ‘non-judgemental and non-directive’ would be allowed to continue. Christians are often wrongly accused of being ‘judgemental’ merely for holding to Christ’s teachings. And the Christian faith is most certainly ‘directive’.

# Activists make outrageous demands



Those calling for a ban to include the everyday work of Bible-believing churches have been increasingly unguarded in their public pronouncements. Blair Anderson, spokesman for 'End Conversion Therapy Scotland', told the Scottish Parliament's Equalities



Committee that "conversion therapy... can take place... entirely informally, on the basis of prayer".<sup>19</sup>

Jayne Ozanne, Chairwoman of 'Ban Conversion Therapy', said that

"gentle, non-coercive prayer" must be covered by a ban.<sup>20</sup>

Asked whether she wants to ban praying with someone, at their request, about remaining celibate, she said: "Yes, because it is damaging".<sup>21</sup> Ozanne has even claimed that church leaders expressing concerns about a broad ban are merely showing that they are "determined to continue to inflict their known harm

on vulnerable LGBT people".<sup>22</sup>

Ozanne's co-campaigner Fiona Bennett told the Scottish Parliament's Equalities Committee that her group want the ban to affirm their particular brand of LGBT theology: "It would be very helpful... for all of us in the church who stand in that perspective."<sup>23</sup>

## Feminists: Ban will hurt young people

A number of feminist groups have raised concerns about the potential impact of a conversion therapy ban on young people, especially if it covers transgenderism. Campaign group Fair Play For Women fears the proposed legislation could criminalise those "trying to help children with gender dysphoria to feel more comfortable in their body".<sup>24</sup> They are particularly concerned about the increasing number of gender-confused adolescent girls seeking help, who are being encouraged to "pursue a pathway to puberty blockers, cross-sex hormones and surgery".<sup>25</sup>



The Sex Matters organisation says a ban that includes trans would mean more young people facing "one-way pressure to transition" because of the climate of fear it would create for those "who do not support an affirmation-only

approach to gender identity".<sup>26</sup>

The trans aspect of a ban has so far been the most controversial part, hence Westminster's decision to leave it out. But the Scottish Government is committed to including gender identity as well as sexual orientation.





# CI working to protect churches

## PREPARING FOR COURT ACTION

In February 2022, we instructed lawyers to write to the Scottish Government, preparing the ground for a judicial review if its conversion therapy law tramples on human rights. We have also instructed our lawyers in England and Northern Ireland to do the same with the governments there. In each case we provided ministers with written advice from leading KC Jason Coppel.<sup>27</sup>

Coppel states that evangelism,

church membership, baptism, communion and even one-to-one prayer could all fall foul of the kind of conversion therapy ban sought by activists.

However, he said: "The Courts have consistently regarded [Christian beliefs about sex, sexuality and marriage] as protected by Article 9 [of the European Convention on Human Rights] and worthy of respect...

These beliefs must be treated by

the State with neutrality and impartiality."<sup>28</sup>

The recent written legal advice from Aidan O'Neill KC supports Coppel's opinion. It argues that the Scottish Government's 'Expert Advisory Group' proposals would breach no fewer than four European Convention rights.<sup>29</sup>

Importantly, O'Neill also says it would contain measures which change UK equality and discrimination law, which is not devolved to Holyrood. Such a bill would therefore be "outside the Parliament's legislative competence"<sup>30</sup> (see page 1).



## 'LET US PRAY' CAMPAIGN

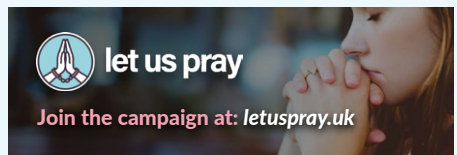
The Let Us Pray campaign was launched in September 2021. Spearheaded by the Institute, it campaigns to prevent innocent parenting and the ordinary work of churches from being caught by a ban.

Its regular blog has the country's most up-to-date news on Scotland's plans for a ban on conversion therapy. And there's interviews

with leading figures about the potential impact of a ban on Christians.

Let Us Pray's official supporters include TV presenter Revd Calvin Robinson, free speech campaigner Stuart Waiton and the Free Church's Revd Stephen Allison.

Sign up to the Let Us Pray email list to be the first to hear about developments in the campaign: [www.letuspray.uk](http://www.letuspray.uk)



# Worrying developments overseas

## 'NOT AFFIRMING GENDER IDENTITY' OUTLAWED



The Australian State of Victoria's ban on 'conversion therapy' is held up by Scottish activists as the model to be followed.<sup>31</sup> But this legislation, which came into force in February 2022, expressly criminalises prayer if it is deemed not to support a person's sexual orientation or gender identity.<sup>32</sup> The penalty can be up to ten years in prison and a maximum fine of over £100,000.<sup>33</sup> The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) has started 're-educating' church ministers in how to comply with the law. Murray Campbell, a pastor based in Melbourne, attended one of the events. He said, "we were

informed that no person's sexuality or gender identity is broken or sinful, and to suggest so contravenes the intent of the new laws".<sup>34</sup>

The VEOHRC, responsible for enforcing parts of the new ban, has released guidance on what is now outlawed. It says conversion therapy includes: "not affirming someone's gender identity", and parents "refusing to support" their children receiving puberty blockers. It says it would

be illegal for church leaders to tell someone they will be 'excommunicated' if they continue a same-sex relationship. The guidance says encouraging someone to practise celibacy is also unlawful conversion therapy.<sup>35</sup>

According to press reports, parents of gender-confused children in Victoria are living in terror of being prosecuted for trying to protect their children from irreversible medical interventions.<sup>36</sup>



## VIEWS ON SEXUAL BEHAVIOUR BANNED



In December 2021, Canada passed into law a Bill banning conversion therapy in just nine days. Motions in the Canadian House of Commons and Senate allowed the Bill to pass at speed without any scrutiny by MPs or Senators.<sup>37</sup>

The Bill's definition of conversion therapy is also very broad and includes

any practice designed to "reduce non-heterosexual attraction or sexual behaviour".<sup>38</sup>

The Evangelical Fellowship of Canada says the wording of the law could "ban sincere expressions of religious beliefs and teachings in sermons, courses of religious study and consensual pastoral counselling".<sup>39</sup>

References at [the.ci/ctupdate-oct23-ref](https://the.ci/ctupdate-oct23-ref)

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