

Debate: “Equalities, Human Rights and Civil Justice Committee Debate: Ending Conversion Practices”

Tuesday 15th March

The Equalities Committee issued its [report](#) on conversion therapy on 25 January 2022. It frequently makes reference to the legislative ban on conversion therapy in the Australian State of Victoria saying it “could provide a model to follow”. The Committee referred to hearing evidence that the Victoria legislation is the “gold standard”¹ and “one of the best practice examples”.² Yet the legislation is a serious threat to religious freedom.

WHAT DOES THE VICTORIA BAN INCLUDE?

Victoria’s Change or Suppression (Conversion) Practices Prohibition Act 2021 (CSCPP Act) makes it illegal for a person or organisation to engage in ‘change or suppression practices’.

It defines a ‘change or suppression practice’ as “a practice or conduct directed towards a person, whether with or without the person’s consent ... On the basis of the person’s sexual orientation or gender identity”.

The CSCPP Act only came into force a few weeks ago so it is untested in practice. Alongside the police, the Victorian Equal Opportunity and Human Rights Commission is empowered by the Act to enforce the ban.

The Commission issued [guidance](#) in February 2022. The following are extracts:

Have you experienced these illegal practices?

Conversion practices and experiences vary widely. Practices ultimately aim to change or suppress someone’s sexual orientation and gender identity.

This could be through mixed-orientation marriage, celibacy, or abstinence, as well as not affirming someone’s gender identity or insisting that someone does not change their gender.

Examples of illegal practices

Practices that would be considered illegal under the Act include:

- a religious leader meeting one-to-one and pressuring a member of their congregation to suppress and ignore their feelings of same-sex attraction by practising celibacy
- ...
- a parent refusing to support their child’s request for medical treatment that will enable them to prevent physical changes from puberty that do not align with the child’s gender identity
- ...
- a religious leader tells a member of their congregation that they will be excommunicated if they continue their same-sex relationship

What is not considered illegal

- ...
- a religious sermon expressing a general statement of belief (provided the sermons is not directed at an individual in a group setting) explaining a religious view of relationships

Real stories of change or suppression practices

...
‘I was told that my homosexuality was a sin’

The guidance contains other examples which describe abuses no-one would defend. But listing basic Christian teaching about sex alongside such abuses is deeply oppressive. And “not affirming someone’s gender identity” simply cannot be made an offence in Scotland.

PRAYER AND THE ORDINARY WORK OF CHURCHES

The CSCPP Act specifically states that the ban includes “carrying out a religious practice”, such as “a prayer based practice”. Christians often ask their friends to pray with them. But under the CSCPP Act, praying with someone about certain sexual sins could result in criminal prosecution. Society may no longer embrace the Christian sexual ethic, but should it really be illegal to invoke it in your prayers?

IS SUCH A LAW VIABLE?

It is right to target abusive and coercive practices. But there is widespread agreement that the genuinely abusive practices often described – like so-called ‘corrective rape’, electroshock therapy and any other physical abuse – are **already illegal in Scotland**.

The European Convention on Human Rights prevents a Victoria-style ban from being viable in Scotland. **It would cut across no fewer than four Convention rights**. A [legal opinion](#) by leading human rights QC Jason Coppel analyses the Victoria ban in light of the Convention and confirms it would contravene these fundamental human rights.

Traditional Christian views on sexuality, and feminist beliefs about gender, must not be criminalised. The courts have ruled that such beliefs are ‘**worthy of respect in a democratic society**’.

REACTION TO OTHER INTERNATIONAL BANS

Legislation on ‘conversion therapy’ has caused controversy across the globe. Despite many activists claiming we should copy international examples, almost none have yet been tested in the courts. But they have generated political friction. In Canada, Conservative Party leader Erin O’Toole was [ousted following his support of an overly-broad ban](#). Victoria has also seen political fallout, with [fractious party meetings](#) on the issue being leaked to the press.

REFERENCES

- ¹ *Report on Petition PE1817: End Conversion Therapy*, Equalities, Human Rights and Civil Justice Committee, 25 January 2022, Para. 163
- ² *Ibid.* Para. 168