

Rt. Hon Elizabeth Truss MP
Minister for Women and Equalities

By email to: [REDACTED]

4 May 2021

Dear Ms Truss

Proposed ‘conversion therapy’ ban

We act on behalf of The Christian Institute (“The CI”).

The CI is a registered charity, established in 1991 for the advancement of the Christian faith. It has over 60,000 supporters throughout the UK, including 5,375 churches and/or church ministers from across the Christian denominations. The CI and its supporters hold to traditional, mainstream Christian beliefs about marriage, gender and sexual ethics.

The CI has a particular interest in human rights litigation to protect freedom of speech and freedom of thought, conscience and religion. It has secured several significant legal victories involving the right to manifest mainstream religious views about sexual ethics, and the right to privacy.¹

Our client is concerned that the Government’s plan to introduce a ban on ‘conversion therapy’ (“CT”) might criminalise the everyday activities of Churches and Christians. As such, they have taken advice from leading counsel Jason Coppel QC, whose opinion is enclosed. Counsel was asked to consider several definitions of CT as applied to certain church activities. His conclusions can be found at paragraph 6. Significantly, he concludes that:

¹ For example, *Christian Institute & Ors, Re Judicial Review* [2007] NIQB 66 (11 September 2007); *Smith v Trafford Housing Trust* [2012] EWHC 3221 (Ch) (16 November 2012); *The Christian Institute & Ors v The Lord Advocate (Scotland)* [2016] UKSC 51 (28 July 2016); *Lee v Ashers Baking Company Ltd & Ors* (Northern Ireland) (Rev 1) [2018] UKSC 49 (10 October 2018).

- Articles 8, 9, 10 and 11 ECHR protect: the beliefs of The CI and its supporters regarding sexual ethics and gender identity; the freedom to preach those beliefs and require conformity to them within churches; and the ability of parents to teach those beliefs to their children.
- The definitions of CT enacted in Victoria, Australia, proposed in Canada, or advanced by UK campaigners, *would prohibit* the legitimate expression, teaching and application of these beliefs in a range of common place situations *which do not* involve improper pressure or coercion, or abuse of power, or incitement to hatred.
- If the Government were to use any of these definitions as the basis for the prohibition of CT in the UK they would be likely to violate the Convention rights of Christians.

In summary, the enclosed legal opinion demonstrates how a badly drafted CT ban could inadvertently criminalise those in churches and other faith communities who adhere to traditional beliefs about marriage and gender identity.

Should any proposals from the Government infringe upon the everyday church activities outlined within the enclosed opinion our client will not hesitate, where appropriate, to seek a judicial review.

We therefore seek your assurance that the enclosed advice will be fully taken into account in the drawing up of any legislation. We further request that our client is given advanced sight (in confidence) of any draft so that advice can be taken on whether it is fully ECHR compliant.

We look forward to receiving your reply.

Yours sincerely,

Tom Ellis

Tom Ellis

Director

Ai Law

CC: Prime Minister's Special Adviser for Faith Communities: [REDACTED]

Enc: Counsel's Opinion