

# The campaign for a 'conversion therapy' Bill

## INTRODUCTION

Stonewall and other LGBT activists are demanding the UK Government legislate against 'conversion therapy' (CT). But what exactly is it that they want outlawed? It cannot be the abusive pseudo-medical practices of the past – electroshock experiments and so on – since they no longer take place in the UK and would constitute a criminal assault if they did.

The leading campaign group, Ban Conversion Therapy, which is supported by Stonewall and Mermaids, wants a new law to cover "private prayer" and "casual conversations".<sup>1</sup> Its chair, Jayne Ozanne, says it must outlaw even "gentle, non-coercive prayer"<sup>2</sup> and praying for those who want support to remain celibate.<sup>3</sup> Others have called for Christian pastoral care, the use of Bible texts, and even teaching repentance<sup>4</sup> – a core tenet of Christianity – to be outlawed.

### ACTIVISTS' DEFINITIONS OF CT

Jayne Ozanne, Chair of the Ban Conversion Therapy campaign:

*"I would strongly refute that '**gentle non-coercive prayer**' should be allowed. All prayer that seeks to change or suppress someone's innate sexuality or gender identity is deeply damaging and causes immeasurable harm".<sup>5</sup>*

Paul Brand, ITV:

*"In extreme cases it can involve rape and exorcism, but it often takes more subtle forms, including **prayer and spiritual guidance**".<sup>6</sup>*

BBC News online:

*"Conversion therapy involves treatments ranging from psychotherapy to **religious teaching and discussion**".<sup>7</sup>*

The Trevor Project:

*"conversion therapy often involves **teachings pulled from religious texts, prayer, spiritual discipline**...".<sup>8</sup>*

Matthew Hyndman, co-founder of the Ban Conversion Therapy campaign:

*"**Spiritual guidance**' is really just religious speak for conversion therapy."<sup>9</sup>*

## TIMELINE

### 2018 – National LGBT Survey

Two per cent of respondents to a Government survey of LGBT people said they had undergone CT – despite the survey offering no definition of the practice. Failing to appreciate this and other flaws in the survey (see below), Theresa May’s Government promised to bring an end to CT in the UK. Officials have been struggling to come up with a workable legal definition ever since.

### April 2021 – Leading human rights KC warns of risk of human rights violations

Jason Coppel KC provided written legal advice to The Christian Institute explaining that the legal definitions preferred by the Ban Conversion Therapy campaign would outlaw many ordinary, innocent church practices, putting the UK in breach of the European Convention on Human Rights (see below).

### October 2021 – Westminster Government proposals

A public consultation was launched on Government proposals for a two-fold approach. The first part was to create tougher sentences for those who commit violent acts that are already criminal, like assault, if their motivation is CT. Concerns focused on the second part: a new criminal offence outlawing ‘talking conversion therapy’, consisting of:

1. ‘Coercion or control’ – exactly what this would cover was unclear.
2. ‘Motivation of conversion therapy’ – this apparently meant having the “intention of changing a person’s sexual orientation or changing them to or from being transgender”, which was also unclear.

No proof of harm of any kind would be required for a guilty verdict. Adults would be able to give informed consent to talking CT but “consent requirements will be robust and stringent”. With under-18s, where there is no scope for consent, voluntary and harmless conversations may be criminal merely because they are deemed ‘motivated by conversion therapy’.

### October 2021 – Evidence base flaws recognised

Government-commissioned research published alongside the consultation cited issues with the methodology of previous studies, stating: “No robust data exists on the number of LGBT people who have had conversion therapy”. It notes as many as six “gaps in the evidence base”.<sup>10</sup>

### December 2021 – Church leaders respond

2,546 Christian ministers and pastoral workers co-signed [a letter](#) to Liz Truss warning that:

“The category of ‘Conversion Therapy’ is one which is so broad as to be essentially meaningless. It has the effect of implying an equivalence between calling people to conversion to Christ, which is our duty as Christian ministers, and evil and disreputable past practices which are already illegal and which Christians are the first to condemn.”<sup>11</sup>

### January 2022 – EHRC warns of “unintended consequences”

The UK’s Equality and Human Rights Commission (EHRC) published its [response](#) to the Government’s consultation, warning of “unintended consequences”. The EHRC urged caution over rushing a law which could criminalise ordinary, innocent Christian practices.<sup>12</sup>

### March 2022 – Govt “O-turn”

On 31 March 2022, ITV’s Paul Brand publicised an exclusive news report after receiving a leaked memo from Number 10. The document proposed dropping the CT plans.

The memo recognised that: “the evidence-base for further legislative measures on conversion

therapy is weak”,<sup>13</sup> and was clear that there is no gap in UK law regarding abuse and coercion: “there is already legislation to address acts which inflict physical harm and talking therapies are already subject to regulation through professional frameworks for healthcare professionals”.<sup>14</sup>

At first, the Government confirmed the plans to drop a Bill, saying they would use ‘non-legislative measures’ instead. But hours later, ITV announced that Boris Johnson had changed his mind. Legislation would be brought forward, but it would no longer include ‘transgender’ CT.

### **May/June 2022 – Frontbench recognition of religious freedom concerns**

In May, Labour equalities spokesperson Anneliese Dodds MP said a ban must not cover “the pastoral relationship between teachers and pupils or religious leaders and worshippers, or—and this should go without saying—discussions within families”.<sup>15</sup>

### **January 2023 – Pre-legislative scrutiny**

In January, the Government committed to bringing forward a draft Bill on conversion practices covering both sexual orientation and transgenderism. The then Secretary of State for Digital, Culture, Media and Sport said:

“The Government will publish the draft Bill shortly and will ask for pre-legislative scrutiny by a Joint Committee in this parliamentary session.

“This is a complex area, and pre-legislative scrutiny exists to help ensure that any Bill introduced to parliament does not cause unintended consequences.”<sup>16</sup>

### **January 2023 – Exploratory conversations will not be covered by a ban**

In a letter sent to MPs, Equalities Minister Kemi Badenoch said the legislation “should not, through a lack of clarity, harm the growing number of children and young adults experiencing gender-related distress”.

She restated the Government’s commitment to pre-legislative scrutiny, saying it would help ensure “faith leaders, parents, teachers or counsellors continue to be able to have exploratory conversations with people about their sexual orientation, sex or gender identity”.<sup>17</sup>

And she insisted that: “The freedom to express the teachings of any religion, as well as everyday religious practice, will not be affected by the ban.”<sup>18</sup>

### **August 2023 – No.10 warned after Australian debacle**

The Christian Institute wrote to the Prime Minister urging him not to proceed with a Bill after more details emerged of the extreme law already in operation in the Australian state of Victoria (see page 6).<sup>19</sup> The letter explained:

“It is almost certainly impossible to placate the demands of pro-ban activists whilst also protecting the freedom of religious people to live out their faith, and the freedom of parents to protect their children from radical gender ideology in their own homes.

“Any legislation on ‘conversion therapy’ will likely see ordinary people facing investigation over claims that their innocent conversations were really malign attempts to ‘change or suppress’ LGBT people.

“Any protections in the legislation will be attacked by activists and may be stripped out by their allies in Parliament.”

### **September 2023 – CT ban not a priority for voters**

Representative polling from Whitestone Insight found that just 4% of UK voters think that a new law against conversion therapy should be a priority for the Government.<sup>20</sup>

## NO EVIDENCE BASE

The admission that there are serious flaws in the evidence base and no need for new laws on abuse and coercion seriously undermines any claim that a Bill is necessary. If abusive practices are taking place, victims should be helped to access justice within the current legal framework. In this way, it would be possible to fulfil commitments to end CT without risking likely 'unintended consequences' of new legislation in this fraught area.

## TRANSGENDERISM

The Government has said transgenderism will be covered by the Bill, but that it will avoid unintended consequences. However, internationally no other legislation achieves this (see below).

Whatever protections the Government does seek to include, it is likely some Parliamentarians will seek to broaden the Bill.

A poorly drafted law could enshrine the dangerous ideology that underpinned the discredited Tavistock gender clinic for children. A law which scares clinicians away from properly assessing the underlying causes of childhood gender confusion is in no one's best interests. But it should be noted that a Bill covering only sexual orientation would still threaten innocent conversations.

## PROTECTING RELIGIOUS FREEDOM?

The consultation document stated that "private prayer or pure speech acts" could not be reasonably considered CT. It also said the plans "will not impact everyday religious practice... parents will remain able to raise their children with the values of their faith, and simply expressing the teachings of a religion will not constitute conversion therapy".

These assurances are welcome but do not go far enough to protect basic rights to freedom of religion and freedom of speech.

Does 'private prayer' include Christians praying for their friends? Many Christians would take the term 'private prayer' to include two friends praying together (in contrast to public prayer in a service of worship or prayer meeting). But in the Covid regulations on the use of church premises, 'private prayer' only extended to praying alone.

Protecting merely "expressing" Christian teaching does not necessarily protect those who encourage others to personally embrace that teaching. Everyone knows that church leaders invite people to personally repent and follow Christ. Parents too will urge their children to follow them in their footsteps of faith. Yet – when it comes to the Christian sexual ethic, an essential component of the traditional Christian faith – it is precisely this kind of directive conversation that activists like to smear as 'conversion therapy' and want to criminalise.

## INDEPENDENT LEGAL OPINION – JASON COPPEL KC

The Christian Institute received independent legal advice from one of the UK's leading human rights KCs, Jason Coppel, warning that a broad law could criminalise the ordinary work of churches. This would put the UK in breach of the European Convention on Human Rights and open the Government to legal challenge in the courts.

Coppel examined three potential legal definitions: one advocated by the Ban Conversion Therapy campaign, another used in Victoria, Australia, and the (then) proposed wording of the Canadian ban. Coppel considered whether various scenarios representing the ordinary work of churches might be caught by these definitions. In every case he said 'yes'. This included private prayer, preaching and teaching, parenting and pastoral advice.

Coppel said the definitions "would prohibit actions in a range of commonplace situations, which do not involve improper pressure or coercion, or abuse of power, or incitement to hatred". As such "any prohibition of CT going beyond the existing criminal law raises serious issues of compatibility with Convention rights" under Articles 8, 9, 10 and 11 of the European Convention on Human Rights.<sup>21</sup> The Christian Institute instructed solicitors to write to the Westminster Government preparing the ground for a potential judicial review should Parliament legislate for CT in a way which infringes these rights.

Coppel's full opinion can be read at: [the.ci/coppel](https://www.the.ci/coppel)

## ALREADY ILLEGAL

There are already strong laws on the statute book to protect gay and trans people (see table). Anyone who has been subject to verbal or physical abuse can report it to the police because such practices are already illegal.

CT SCENARIO	EXISTING OFFENCE
'Corrective rape'	Section 1, Sexual Offences Act 2003
Electro-aversion therapy/electrocution practices	Common assault and battery, potentially assault occasioning actual bodily harm if more than merely transitory mark caused (Section 47, Offences Against the Person Act 1861) [much of this would also be covered by professional codes etc]
Forced marriage	Section 121, Anti-social Behaviour, Crime and Policing Act 2014
Screaming in face	Common assault if it causes fear of immediate unlawful force
Holding down (while praying/carrying out exorcism)	Common assault and battery, potentially assault occasioning actual bodily harm if more than merely transitory mark caused (Section 47, Offences Against the Person Act 1861)
Harassment	Protection from Harassment Act 1997; other than in a dwelling, Sections 4A (Intentional harassment, alarm or distress) and 5 (Harassment, alarm or distress) of the Public Order Act 1986
Physical abuse	Common assault and battery, potentially assault occasioning actual bodily harm if more than merely transitory mark caused (Section 47, Offences Against the Person Act 1861), grievous bodily harm if more serious (Sections 18 and 20, Offences Against the Person Act 1861)
Threats of physical violence	Common assault; other than in a dwelling, Section 4, (Fear or provocation of violence) of the Public Order Act 1986
Verbal abuse	Other than in a dwelling, Sections 4A (Intentional harassment, alarm or distress) and 5 (Harassment, alarm or distress) of the Public Order Act 1986
With regard to children, most of the above would be additionally dealt with by Section 1, of the Children and Young Persons Act 1933 (Cruelty to persons under sixteen), which covers e.g. assault, ill treatment, and neglect that causes unnecessary suffering or injury to health (whether physical or psychological).	

## THE AUSTRALIAN BAN ACTIVISTS CALL “THE GOLD STANDARD”<sup>22</sup>

Those calling for a new CT law have consistently said legislation in the UK should follow the example of Victoria, Australia, calling it “the gold standard”.<sup>23</sup> Stonewall has called it “best international practice”.<sup>24</sup> Official guidance brought in as the law came into force includes some very worrying examples of what is now considered illegal – including a parent “refusing to support” their child’s request for puberty blockers and “not affirming someone’s gender identity”.<sup>25</sup> The penalty can be up to ten years in prison and a maximum fine of over £100,000.<sup>26</sup>

Recent updates to the guidance go further still by outlining state-approved language for prayers and pastoral conversations.<sup>27</sup> It says prayers that “talk about a person’s brokenness or need to repent”, or which “ask for a person to not act on their attractions”, are likely to be illegal. It says Christians can only pray in a way that affirms everyone as “perfect as they are”. This means that even praying the Lord’s Prayer with an LGBT person could be at risk of prosecution, since in the Lord’s Prayer we are asking God to “forgive us our sins” and “lead us not into temptation”.

The law came into force in February 2022, and reports coming out of Victoria are very concerning. The Daily Mail Australia paints a stark picture of some parents resorting to forming “a clandestine network to exchange ideas on how to approach the legal minefield”.<sup>28</sup>

“A new Victorian law which forces mothers and fathers to accept their children’s desire to change gender has left distraught parents fearing prosecution if they do anything to try to prevent potentially harmful and irreversible treatment.”

“... [Many parents] now live in fear of being charged for simply trying to get mental health support for their vulnerable children, many of whom are affected by an array of conditions including autism spectrum disorder, trauma, family dysfunction and neurodiverse issues”.

Find out more at [the.ci/victoria](https://the.ci/victoria)

## SWEDEN ADVISED AGAINST A NEW LAW

The Government of **Sweden** commissioned a report into “so-called conversion attempts” against LGBT people ahead of legislating on the issue. The ‘Swedish Government Official Report’ concluded that the Government should not introduce a new criminal law on CT.<sup>29</sup> Nor should it introduce CT as an aggravating factor. It added: “a new penalty provision should not be introduced just for the reason that the legislator wants to send a signal”.

Conversion attempts that meet the threshold for criminalisation are already covered by existing law, the senior lawyers explain. Instead, they advocate using provisions already in the country’s criminal code to better tackle abuse.

## OTHER COUNTRIES

Several countries have introduced broad CT laws in recent years. Among the most frequently cited are Canada, France and New Zealand, where legislation came into force earlier this year. It remains too early to say what effect they will have, but all pose a threat to religious freedom.

**Canada’s** sweeping provisions bypassed scrutiny in Parliament by agreement between the parties. The Evangelical Fellowship of Canada says the definition of conversion therapy in the legislation “risks criminalizing religious expression, teaching, belief and practice around sexuality”.<sup>30</sup>

The broad definition of CT in **France’s** law includes: “practices, behaviours or repeated comments”.<sup>31</sup> It remains unclear what effect the ban will have on churches.

The **New Zealand** law explicitly outlaws “prayer-based practices”. Legal advice given to the NZ Attorney General admitted this new law would pose “a significant limitation on freedom of expression, and a lesser limitation on manifestation of religion”.<sup>32</sup>

## EQUALITY AND HUMAN RIGHTS COMMISSION

The EHRC’s [response](#) to the Government’s consultation warned of “unintended consequences”. It urged caution about outlawing the ordinary work of churches:

“The legislation must be carefully drafted ... to avoid criminalising mainstream religious practice such as preaching, teaching and praying about sexual ethics.”

“Encouraging people to comply with religious doctrine that requires refraining from certain types of sexual activity should not fall within the definition of conversion therapy”.<sup>33</sup>

In direct contrast to the demands of activists, the EHRC is clear:

“This offence should not capture communication such as casual conversations, exchanges of views or private prayer, with the distinction defined clearly in the legislation.”<sup>34</sup>

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