

## **PE1817/B**

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<sup>1</sup>.

### **Our Calls**

We understand from the Scottish Government’s correspondence to the Committee<sup>2</sup> 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.

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<sup>1</sup> <https://www.psychotherapy.org.uk/wp-content/uploads/2017/10/UKCP-Memorandum-of-Understanding-on-Conversion-Therapy-in-the-UK.pdf>

<sup>2</sup> [http://www.parliament.scot/S5\\_PublicPetitionsCommittee/Submissions%202020/PE1817\\_A.pdf](http://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202020/PE1817_A.pdf)

## 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<sup>3</sup>. 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<sup>4</sup>.

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<sup>5</sup>. 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<sup>6</sup>.

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<sup>7</sup>.

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.

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722314/GEO-LGBT-Survey-Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722314/GEO-LGBT-Survey-Report.pdf)

<sup>4</sup>[https://ilga.org/downloads/ILGA\\_World\\_Curbing\\_Deception\\_world\\_survey\\_legal\\_restrictions\\_conversion\\_therapy.pdf](https://ilga.org/downloads/ILGA_World_Curbing_Deception_world_survey_legal_restrictions_conversion_therapy.pdf)

<sup>5</sup> <https://undocs.org/A/HRC/44/53>

<sup>6</sup> <https://acitylawfirm.com/the-governments-lgbt-action-plan-banning-conversion-therapy/>

<sup>7</sup> <https://undocs.org/A/HRC/44/53>