**SCPO Briefing on Banning Conversion Therapy and Church Responses**

**Prepared 03 February 2022**

There is no single definition of what constitutes conversion therapy. Most definitions describe conversion therapy, or therapies, to be any approaches that are aimed at changing a person’s sexual orientation or gender identity, usually to conform with an underlying assumption that some sexual orientations or gender identities are preferable to others. These approaches might also be referred to as ‘reparative therapy’, ‘gay cure therapy’, or ‘sexual orientation and/or gender identity change efforts’. The terms conversion therapies and conversion practices are also often used interchangeably.

One of the most widely accepted definitions of conversion therapy in the UK is the ‘Memorandum of Understanding on Conversion Therapy in the UK’ which defines conversion therapy as:

*“an umbrella term for a therapeutic approach, or any model or individual viewpoint that demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to any other, and which attempts to bring about a change of sexual orientation or gender identity, or seeks to suppress an individual’s expression of sexual orientation or gender identity on that basis.” [[1]](#endnote-1)*

Signatories to the MOU include NHS Scotland and the Association of Christian Counselors.

In the UK conversion therapies may be performed by healthcare professionals, including psychiatrists and psychologists, but the term is also commonly now used to refer to a wide range of actions, including ‘talking conversion therapies’[[2]](#endnote-2) which are carried out within communities, often within the practices of a faith or belief group. Supporters of a ban have provided a wide range of examples of what is considered to be conversion therapies, ranging from common-place practices such as talking therapies, counselling and prayer all the way through to more severe practices that are already illegal – i.e. physical and sexual violence.

In 2020 the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (IESOGI) called for a global ban on conversion therapy around the world, and for the prohibited practices to be clearly defined.[[3]](#endnote-3)

**Ending Conversion Therapy**

**Scotland**

The Scottish Government has made a commitment to ban conversion therapy by the end of 2023, with an assurance that they will introduce separate legislation if planned legislation by the UK Government for England and Wales “do[es] not go far enough”[[4]](#endnote-4) – otherwise it is expected that the Scottish Parliament may give legislative consent to the UK legislation for it to extend to Scotland. In late 2021 the Scottish Government announced their intention to establish an expert advisory group to investigate how best to ban conversion therapy. [[5]](#endnote-5)

A call for evidence on a conversion therapy ban was open between July and August 2021 in relation to a petition[[6]](#endnote-6) lodged by the campaign group ‘End Conversion Therapy Scotland’ (ECTS) with the Scottish Parliament in 2020 which received 5,599 signatures. The petition was considered by the Equalities, Human Rights and Civil Justice (EHRCJ) Committee who took evidence from a number of individuals and organisations, including Churches and Christian groups, across several sessions at the end of 2021.

The EHRCJ Committee published their report in January 2022, recommending that conversion therapy should be banned in Scotland, within the powers of the Scottish Government and Parliament, and as soon as possible. The EHRCJ Committee also recommends a ban “should be fully comprehensive and cover sexual orientation and gender identity, including trans identities, for both adults and children in all settings without exception and include “consensual” conversion practices” [[7]](#endnote-7).

In response the Christian Institute wrote to Holyrood’s Presiding Officer Alison Johnstone on the basis that members of the committee were not impartial due to their previous pledges of support to End Conversion Therapy Scotland. [[8]](#endnote-8)

**England and Wales**

In 2018 the UK Government committed to ending conversion therapy as part of its response to the outcomes of the National LGBT Survey. In 2021 it was announced that legislation banning conversion therapy in England and Wales would be introduced, and that a draft bill is intended to be published in Spring 2022. The UK Government considers a ban on conversion therapy would “protect people who are vulnerable to harm or violence, whether that occurs in a medical, commercial or faith-based context”.[[9]](#endnote-9)

Between October 2021 and February 2022, the UK Government consulted on its proposals to introduce a new criminal offence and to ensure that conversion therapy is recognised when it is the motivation for an existing crime. A number of further civil measures have also been proposed to ensure an end to conversion therapy in England and Wales, including Conversion Therapy Protection Orders, restricting promotion, removing profit streams, and strengthening the case for disqualification from holding a senior role in a charity. Under the current proposals it would not be an offence for consenting adults, who are deemed to have received - and have the capacity to understand - all of the available information and potential impacts, to undergo counselling which supports them to live in accordance with their own personal beliefs. Likewise, under the proposed legislation private prayer is not classed as ‘talking conversion therapy’. The Scottish Government has stated they are fully supportive of the UK Government’s position to end conversion therapy and are engaging with the UK Government as the proposals progress.[[10]](#endnote-10)

The Equality and Human Rights Commission, the national equalities body for England, Scotland and Wales, supports the need to end conversion therapies. The EHRC drew criticism from LGBT groups in January 2022 however for recommending that provisions pertaining to gender identity be removed from the legislation and revisited at a later date when more evidence on the effect of a ban on support for transgender people was available.[[11]](#endnote-11) [[12]](#endnote-12)

**Northern Ireland**

In April 2021, Members of the Legislative Assembly passed a Private Members’ Motion by Doug Beattie MLA calling on the Minister for Communities to “commit to bringing forward legislation before the end of the current Assembly mandate to ban conversion therapy in all its forms”.[[13]](#endnote-13) Legislation has not yet been drafted.

**Context and data**

The UK Government’s 2017 survey of LGBT peoples’ experience of life in the UK found 5% of respondents had been offered conversion therapy to ‘cure’ them of their sexual orientation, and 2% had undergone a form of conversion therapy. The percentage of people offered or undergoing conversion therapy was higher among transgender respondents.[[14]](#endnote-14)

A 2017 YouGov survey of just over 5000 LGBT people in Britain commissioned by Stonewall found that around 20% of trans people, and 5% of LBGT people more generally, have been pressured to access services intended to question, change or suppress their sexual orientation when accessing healthcare.[[15]](#endnote-15) A 2009 study of 1328 mental health professionals in the UK found that around one fifth (17%) had assisted a client or patient to change or suppress same-sex attraction between the years of 1963 and 2003.[[16]](#endnote-16)

It is also known that conversion therapies often take place in religious or faith contexts. One of the largest surveys on faith and sexuality in the UK was undertaken by The Ozanne Foundation in 2018 which noted a “profound” influence from religious leaders, who were most often identified as the instigator or performer of conversion therapies or practices. The study found that people attempting to change their sexual orientation or gender identity, in particular people with a faith or belief, were more likely to seek help from a religious leader or from specialised ministries or faith healers than from a healthcare professional.

In the report, one of the primary motivations noted for trying to change sexual orientation were related to religious beliefs or internalised negative perceptions of homosexuality. Findings included,

* Nearly three quarters had tried to change their sexual orientation “because I believed that my desires were ‘sinful’”
* Nearly two-thirds said they had done so because they were “ashamed of my desires”
* Over half said it was “because my religious leader disapproved”
* A quarter “did not want to be associated with LGBT people or their lifestyle”.[[17]](#endnote-17)

It is well known that LGBT people are more likely, for a number of reasons, to experience the symptoms of poor mental health than heterosexual and cisgender people. The Faith and Sexuality Survey also found that LBGT people who had undergone conversion therapies said that they had experienced a direct impact on their mental health. Nearly half (46.1%) reported having to leave or change the faith group they were part of. Over half (58.8%) reported suffering from mental health issues and a third (32.4%) of those reporting mental health concerns had attempted suicide.[[18]](#endnote-18)

To further understand the evidence base, the UK Government Equalities Office commissioned researchers at Coventry University to undertake an evidence assessment and qualitative study on conversion therapy[[19]](#endnote-19). The rapid evidence assessment reviewed 46 academic peer-reviewed publications. The majority of these publications focused on efforts to change sexual orientation; only five addressed efforts to change gender identity. The study also conducted interviews with 30 people who had experienced conversion therapy in the UK within the last 20 years.

The report found that:

* Most modern forms of conversion therapy can be described as either spiritual or pseudo-scientific with talking therapies, prayer, and pastoral counselling being the most common methods. None of the interview respondents had experienced aversion techniques.
* Exposure to conversion therapy is frequently associated with holding religious beliefs, often those which are described by the authors as conservative.
* There is no substantive evidence that conversion therapies can change either a person’s sexual orientation nor gender identity
* The evidence of harm from conversion therapies outweighs some reported benefits (i.e. social support and feelings of belonging)
* There is a growing body of qualitative evidence which statistically links conversion therapies with poor mental health and suicidal thoughts. The majority of people interviewed as part of the study said that conversion therapies were harmful.

The experiences of white Christians are overrepresented in the study. A high proportion of interviewees professed a Christian faith, and many of the publications referenced in the report draw their conclusions from the experiences of predominantly white Christians resident in the USA.[[20]](#endnote-20) This is consistent with some other large-scale studies, such as the Ozanne Foundation’s National Faith and Sexual survey which overrepresents older white British Christians [[21]](#endnote-21), and is largely to do with the ethical and methodological limitations of these types of studies, such as participant self-selection.[[22]](#endnote-22)

The National LGBT Survey found that people from ethnic minority backgrounds (Black, Asian, ‘other’ and mixed) were more likely to have been offered or undergone conversion therapies than those from white backgrounds, and that Muslims are the most likely religious group to have been offered conversion therapies.[[23]](#endnote-23)

**Public Responses from Faith and Belief Groups**

Much of the faith and belief debate regarding the proposed legislation for England and Wales has been dominated by Christian churches and groups. The nature of the debate in England and Wales broadly mirrors that in Scotland, where faith and belief groups hold a wide range of views on both sides of the debate.

Although there were strongly supportive responses from including Local Quaker Meetings and individual Scottish churches, and also Jewish and Muslim groups, many of the faith responses to the Call for Views highlighted concerns with proposed legislation. The Catholic Bishops’ Conference of Scotland has stated that any ban on conversion therapies in Scotland should uphold the rights of religious bodies to teach the fullness of their beliefs and that any new legislation should also ensure that religious bodies are free to support their members who wish live in accordance with their beliefs through pastoral support, including through prayer and counsel.[[24]](#endnote-24)

Other Churches and Christian Groups that responded to the Call for Views [[25]](#endnote-25)on the End Conversion Therapy Petition, including the Free Church of Scotland and the United Free Church of Scotland, shared a broad number of concerns that can be grouped around the following categories.

* That the term Conversion Therapy is poorly defined, and that it would be difficult to comment on what practices may be banned without draft legislation
* How the everyday practice of churches, prayer and pastoral care would be affected by a ban in Scotland
* That the proposed banning of Conversion Therapy might risk criminalising ministers and pastors for teaching traditional, orthodox Christian beliefs on sexual ethics
* That the rights to freedom of belief and religion could be undermined.

The Evangelical Alliance has also written to the UK Government outlining their concerns in this area.[[26]](#endnote-26)

These apprehensions were also shared by the group ‘Strong Support’, a support organisation for Muslim’s with same sex attraction. The Christian Medical Fellowship expressed concerns specifically with regards to the gender identity portion of the legislation and the affect this may have on children and teenagers who are questioning their gender identity.[[27]](#endnote-27)

Regarding the debate more generally and in response to the UK Government’s proposed legislation, several Churches and faith groups have expressed both their support and similar reservations around a ban.

* In 2017 the General Synod of the Church of England voted to call upon the UK Government to ban conversion therapy and to agree that conversion therapy is unethical, harmful and not supported by evidence[[28]](#endnote-28). The General Synod also agreed at the time to uphold an earlier version of the 2017 ‘Memorandum of Understanding’ which at the time did not include gender identity.
* The Methodist Conference has agreed to adopt the 2017 ‘Memorandum of Understanding’, as well as to call on all Methodists to refuse to offer or participate in conversion therapy in any form and to declare that no conversion therapy can take place in the name of the Methodist Church[[29]](#endnote-29). The United Reformed Church has also adopted a similar position, and had called for the existing proposals to be strengthened [[30]](#endnote-30)
* The Salvation Army in the United Kingdom and Republic of Ireland have committed to “not act, directly or indirectly, to encourage, recommend a referral, or engage with any forms of conversion therapies or practices aimed at changing a person’s sexual orientation or gender identity.” [[31]](#endnote-31)
* The Quakers in Britain and the Quaker Gender and Sexual Diversity Community (QGSDC) have expressed strong support for a ban on conversion therapy.[[32]](#endnote-32)
* Hidayah, a charity that supports Queer Muslims in the UK and around the world, have backed a ban on conversion therapies.
* The Ozanne Foundation has called for a ban on conversion therapy that includes “the full range of religious practices, from emotional healing to deliverance ministry” which was co-signed by the Foundation’s inter-religious advisory board made of representatives from every major religion practiced in the UK.[[33]](#endnote-33)
* In a letter to the Secretary of State for Foreign, Commonwealth and Development Affairs and Minister for Women and Equalities, 2546 Christian Ministers and Pastoral Workers have opposed the proposed legislation stating that that in love, gentleness and respect, *“…we call people to live according to God’s gift and pattern of marriage and offer them pastoral support to help them do so. This has nothing to do with therapy; it has everything to do with what it means to be a Christian.”* [[34]](#endnote-34)

**Key Challenges and Other Topics for Consideration**

It is clear that the UK and Scottish Governments will legislate to ban conversion therapy. Most, if not all, mainstream religious groups in the UK condemn explicitly harmful practices that have been designed to force a person to change their sexual orientation or gender identity through physical violence or intimidation. Both supporters and critics of the legislation note that ban would not address underlying issues caused by homophobia nor and the long-lasting emotional trauma experienced by many who have first-hand experiences of the practices.

Going forward topics for consideration and key challenges to overcome include,

* Is informed consent possible in the case of conversion therapy?
* The EHRC has expressed concerns there is no clear meaning of conversion therapy and that ‘transgender’ as a term has no official definition[[35]](#endnote-35).
* How can legislation balance existing rights under the Human Rights Act (1998) and the European Convention on Human Rights (ECHR). In particular Article 3 of the ECHR (freedom from torture and inhuman or degrading treatment) Article 8 (the right to private and family life), and Article 9 (freedom of thought, belief and religion).[[36]](#endnote-36)
* Only a handful of countries have implemented a full or partial ban on conversion therapy, including Malta (2016) Germany (2020) and New Zealand (2021). Several US states and Canadian provinces have introduced legislation restricting or banning conversion therapies.[[37]](#endnote-37) In January 2022 France’s National Assembly unanimously voted to ban conversion therapies[[38]](#endnote-38). What can be learned from these processes? A ban in Victoria, Australia in 2021 specifically prohibits prayer and other religious practices and is seen by many advocates as a model that can be followed in other jurisdictions.
* What is the role of safeguarding? How could better safe guarding information for churches decrease the potential for harm in pastoral conversations about sexuality and gender.
* What is being done by religious institutions to support and train ministers to adhere to best practice in pastoral care?

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