



Mermaids' Response to the Government Equalities Office open consultation on 'Banning Conversion Therapy'.

Questions about the respondent:

- A. *Are you providing an individual or personal response or a response on behalf of an organisation? Asked to organisations only*
- a. **A response on behalf of an organisation.**
- B. *What is the name of your organisation?*
- b. **Mermaids (Registered charity no: 1160575)**
- C. *What type of organisation is it?*
- c. **Charity organisation.**
- D. *Does your organisation work on behalf of any of the following people?*
- d. **Our organisation work on behalf of trans, non-binary and gender diverse children and young people until the age of 19 (inclusive), as well as their families – whatever that means to them.**
- E. *Which country does your organisation work in?*
- e. **We are a UK national organisation that works in England, Scotland, Wales and Northern Ireland.**
- F. *Approximately how many people work in your organisation?*
- f. **Around 40 people work in our organisation.**

Introduction

The Charity

Mermaids (Registered charity no: 1160575) has been supporting trans young people (<19 years and below), and their families since 1995. Mermaids has evolved into one of the UK's leading LGBTQIA+ charities. Our online support group for parents has over 1300 members, and around 450 young people in our youth group. We amplify the voices of trans children and young people nationwide with an aim of helping create a future society whereby all trans young people can be themselves without fear of discrimination and prejudice.

Mermaids' overarching aim is to create a world where trans young people can be themselves and thrive, and an important part of this is to work to relieve the mental and emotional stress experienced by the young people we support. We write within this context.

Our response to this consultation was directly shaped by the young people who took part in several focus group sessions Mermaids organised for this specific purpose.

The attendees (48 young people in total) of these sessions were aged between 16 and 21, 23% identify as trans male, 22% identify as trans female, 43% identify as non-binary, 8% identify as genderqueer and 4% identify as gender questioning/unsure.

You will find direct quotes from these consultations throughout this response.

Language

'We use **'trans'** as an umbrella term for people that are binary trans, non-binary, genderqueer, genderfluid, agender or of other non-cisgender genders, including those of non-Western origin.'

We use **'LGBTQIA+'** rather than 'LGBT+' to make clear that a ban must ensure protection for all marginalised sexual orientations, gender identities and intersex people. LGBTQIA+ stands for: Lesbian, Gay, Bisexual, Trans, Queer, Intersex, Asexual, +=inclusive.

The practices and abuses that **'conversion therapy'** refers to are more accurately referred to as sexual orientation or gender identity conversion and suppression practices, or simply **'conversion practices'**. We recommend using 'conversion practices', rather than 'conversion therapy' and will therefore be using 'practice' throughout our response.

We define **"conversion practices"** as all practices that have the predetermined outcome to change, "cure", or suppress an individual or group of individual's sexual orientation or gender identity to regain a presumed or expected heterosexual and/or cisgender identity.

Our Response to the Consultation Questions

Section One: Views on banning conversion therapy

- 1. Do you agree or disagree that the Government should intervene to end conversion therapy in principle?**

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

1.1 Mermaids strongly agrees that the Government must robustly ban all practices that have the predetermined outcome to change, "cure", or suppress an individual or group of individual's sexual orientation or gender identity. The ban should cover all conversion practices in all forms and settings, for all LGBTQIA+ people of all ages.

- 1.2 Conversion practices are an egregious harm that ‘overwhelmingly affects’ the LGBTQIA+ community, as identified within the Government’s proposals (Part 4, “Summary of Proposals” within the Banning Conversion Therapy Consultation Document) and the focus of the protection must be on the LGBTQIA+ communities, recognising that some trans people will also be LGBTQIA+.
- 1.3 There is much research to show that those who have undergone conversion practices are at a higher risk of severe mental ill health, and can, “*inflict[] severe pain and suffering, and result in long-lasting psychological and physical damage*” (Victor Madrigal-Borloz, the UN Special Independent Expert on SOGIE: [Report on Conversion Therapy 2020](#)). The [2020 Gender Identity & Conversion Therapy Survey](#) found that ‘Gender diverse people who had undergone GICT were more likely to report severe mental health problems than those who had not, with marked increases in suicide attempts and suicidal ideation’. A thorough legal ban would be a significant contributor to mitigating the risk of survivors being subject to the practice that creates this harm.
- 1.4 The Government’s [own research](#) illustrates that the trans community are more likely to be subjected to conversion practices in comparison to their cisgender counterparts, when it found that 13 per cent (%) of trans respondents have undergone or been offered conversion practices. It is crucial that all trans people, of all ages, are also protected within the ban.
- 1.5 When asked: ‘what words came to mind when you think about the term “conversion therapy”’, one young person referred to it as ‘*psychological torture*’, with many expressing disgust and distress that such a practice occurs. Indeed, the UN Special Expert concluded that conversion practices may amount to torture as ‘mechanisms that treat LGBT persons as lesser human beings’ ([Report 2020](#)).
- 1.6 Here are a few further direct quotes from these young people:

‘Quite frankly it’s idiotic. How can people honestly think it’s ok to try and change someone’s sexuality or gender?’ (16-year-old, non-binary person)

‘Surely making someone suppress who they are is going to ruin their life.’ (17-year-old, trans male)

- 1.7 It is important for the Government to ban all conversion practices together with investing in wider social awareness raising and education around the nature and the harm it causes. Without this layer of education, recognising and tackling instances where conversion practices occur won’t be fully accessible.
- 1.8 Allowing the continuation of conversion practices through a ban that has loopholes would continue to feed the stigma that being LGBTQIA+ is something ‘wrong’, an illness that can be cured:

‘This idea that someone can be ‘cured’ distresses me. Being LGBT+ is not an illness.’ (16-year-old, trans female)

- 1.9 By acting to end all conversion practices the Government would send out an important message that discrimination and abuse against the LGBTQIA+ communities are not welcome.
- 1.10 The Government asserts itself as a ‘Global leader on LGBT+ rights’ (Part 1, Ministerial Foreword within the Banning Conversion Therapy Consultation Document). The United Kingdom will not continue to be perceived as a ‘leader’ on LGBT+ rights should it not produce legislation that protects all LGBTQIA+ people, in all settings.

1.11 Importantly, within its ban, the Government must safeguard safe and supportive therapies delivered by suitably qualified and regulated professionals that assist LGBTQIA+ people to explore and better understand their sexual orientation and/or gender identity with no pre-determined outcome. As one young person has stressed:

'[Conversion therapy is] not therapy. I am studying to be a therapist and the first thing we are taught is therapy isn't doing something to someone. It is never coercive and should never try and suppress someone's feelings and identity.'
(19-year-old non-binary person)

1.12 Conversion practices act to 'cure', 'suppress' or 'change' an individual to a cis-heteronormative outcome. It is **not** akin to gender-affirmative care and therapies which act to provide people with safe spaces to explore their gender identity with no predetermined outcome.

1.13 **We recommend** a full and comprehensive ban that bans all conversion practices:

1.13.1 In all forms,

1.13.2 For all LGBTQIA+ people,

1.13.3 Of all ages,

1.13.4 In all settings.

1.14 Beyond a ban, **we recommend** that a Bill must provide for statutory support for those at risk of undergoing or survivors of conversion practices. This support includes publicly funded specialist support for both current and former victims, mental health support, a helpline, regional needs assessments, and a statutory duty to house those escaping the risk of conversion. In addition, there must be specialist awareness and safeguarding training for relevant institutions with a statutory duty to report on those who are at risk of being subjected to conversion practices.

Section Two: Targeting physical conversion therapy

1. To what extent do you support, or not support, the Government's proposal for addressing physical acts of conversion therapy? Why do you think this?

Strongly support

Somewhat support

Neither support or not support

Somewhat not support

Strongly not support

Prefer not to say

1.1. Mermaids **strongly supports** the Government's proposal to address physical acts of 'conversion therapy'.

1.2. A few of the young people we spoke to expressed approval of the idea that conversion practices will be addressed through the criminal law, by imposing 'tougher sentences' for perpetrators of physical conversion practices although many young people also raised concern around the actual implementation of such criminal sanctions:

***'Tougher sentences is good but how does someone prove its CT? If it's just a young person's word against a parents or other adult.'* (16-year-old non-binary person)**

***'[...]There will always be a power dynamic at play in conversion therapy and I worry about the victims having to prove it/testify etc. to prove it deserves the sentence uplift.'* (18-year-old non-binary person)**

- 1.3. Some young people questioned whether the criminal law could be effective in convicting perpetrators of conversion practices:

***'No-one will send a priest or religious person to prison. Look at all the crimes committed by people within the Catholic church. They get away with it.'* (17-year-old trans male)**

***'Organised religions get away with doing so much to people and the legal system doesn't seem to hold them accountable.'* (18-year-old non-binary person)**

***'I don't think they should necessarily go to prison as they won't change. I think we need to do more to education people why conversion therapy doesn't work and is abusive. We need to address the root cause and not just assume a prison sentence will resolve things. That person will come out of prison full of hate for LGBT+ people - maybe even more than before.'* (16-year-old trans male)**

- 1.4. This feedback supports having a hybrid civil-criminal approach considering the existing distrust in criminal sanctions against perpetrators of conversion abuse. Such mistrust understandable when one considers the low rate of prosecution of hate crimes (which utilises sentencing uplifts) as recently highlighted by Liberty Investigates (*Victims 'Being Failed as Police Resolve Fewer Hate Crimes in 2020 than 2015 despite Reports Doubling, 2021*). The barriers in place which deny victims/survivors the opportunity to find justice for crimes against them in instances where criminal acts against people are carried out because of LGBTQIA+ phobia, and which amount to hate crime, or for this submission, conversion practices, must be addressed alongside proposals by the Government to introduce sentencing uplifts. As one young person queries:

***'How would the police, court...whoever, prove that the violence was [conversion therapy] and not just abuse? Like with hate crimes. It's hard to 'prove' they attacked someone because they were gay/trans.'* (16-year-old trans female)**

- 1.5. **We recommend** that there is a civil-criminal hybrid considering the significant challenges many survivors will face with the criminal system due to the nature of the practice and the lack of understanding and awareness within relevant state authorities.

- 1.6. **We further recommend** that the Government consider how it can implement a wider social education initiative to illuminate this harm for what it is and help to deter perpetrators through awareness raising.

Section Three: Targeting talking conversion therapy

2. **The Government considers that delivering talking conversion therapy with the intention of changing a person's sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and who has not consented or lacks the capacity to do so should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?**

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

- 2.1. We **somewhat agree** with the Government's proposals. Namely, we strongly agree with the principle that the Government must also act to end not only physical forms of conversion therapy, but also non-physical conversion practices.

- 2.2. However, we have identified a specific area of concern with the Government's proposals which we wish to highlight:

- 2.2.1. The Government's proposal introduces a 'consent loophole' which would leave a significant population of adult victims/survivors of conversion practices without protection.

- 2.2.2. The idea that once aged 18 or over, an individual will be able to provide *informed* and *voluntary* consent to conversion practices, which constitute acts of abuse is illogical, has been referred to as 'flawed' by leading Human Rights lawyers (The Cooper Report, 2021) and not supported by the current approach to abuse within domestic law.

- 2.2.3. Further, conversion practices are carried out under the erroneous notion that LGBTQIA+ people can be 'cured', 'suppressed' or 'changed' which is medically false, it stigmatises and pathologises LGBTQIA+ as an illness which is dangerous, inhumane, in conflict with the principles of equity and fairness we see within equality legislation and it encourages homophobic and transphobic attitudes and abuse. As one young person states:

***'What is fundamentally wrong with this is that [the consent loophole] still plays into the narrative that being LGBTQIAI isn't OK.'* (18-year-old gay male, gender questioning)**

- 2.2.4. The following quotes are directly from the young people expressing their concerns and opinions on the idea some adults will be able to offer 'informed consent':

***'That's totally bullsh*t.'* (16-year-old trans male)**

'This makes it feel like it's not a ban at all. It's got to be all or nothing'. (17-year-old genderqueer person)

***'Ok so this protects under 18s.... but as soon as they become an adult they can then consent? All that's going to happen is under 18s are going to be exposed to causal coercive conversations until they turn 18 and then be brainwashed into consenting to the church or whoever doing 'legal' [conversion practices] on them.'* (17-year-old non-binary person)**

'[...]This ban has to be all or nothing. Otherwise there is just too many grey areas that will get exploited. i.e. what would consent look like?' (18-year-old genderfluid person)

***'No! Anyone who is seeking conversion therapy must be so damaged by internalised transphobia/homophobia that they shouldn't be allowed to consent to something that doesn't work and is traumatic. How can anyone consent to being abused – cause that's what it is.'* (19-year-old non-binary person)**

2.2.5. The quote below is from a young person who spoke about the power dynamic inherent in conversion practices, and their concern about whether survivors will be protected by this ban in practice if they must prove that such a power dynamic exists, an already difficult task in many forms of abuse other than conversion therapy.

***'[...]There will always be a power dynamic at play in conversion therapy and I worry about the victims having to prove it/testify etc. to prove it deserves the sentence uplift.'* (18-year-old non-binary person)**

2.2.6. The 'consent loophole' will make it that much harder for victims/survivors of conversion therapy to seek support and justice when power dynamics which are not overt but which hugely impact on a person's ability to provide 'informed and voluntary' consent occur. As one young person explains with reference to the power dynamic that can occur within faith organisations:

***'Religion is so coercive when it comes to this stuff. They can get someone to consent to conversion therapy very easily. In the Catholic faith, our priests are seen as Jesus, the pathway to God. If they tell you who you are is fundamentally sinful and you won't get into heaven, then people would consent to [conversion therapy]. That doesn't mean it's right! They have been forced into consenting.'* (17-year-old non-binary person)**

2.2.7. Another young person in reference to familial relationships:

***'Intimacy of relationship needs to be considered, indirect talking from family may be more powerful than others.'** (17-year-old genderqueer person)*

2.2.8. We **strongly recommend** that the Government remove this 'consent loophole' completely. No one can consent to abuse.

3. How far do you agree or disagree with the penalties being proposed?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

3.1. Please see our response to Section 3, Question 1

4. Do you think that these proposals miss anything? If yes, can you tell us what you think we have missed?

Yes

No

Don't know

4.1. Exclusion of casual conversion and private prayer etc.:

4.1.1. We are concerned that forms of conversion practice, such as 'casual conversation, exchange of views, private prayer or pure speech acts' which can constitute forms of conversion practice in certain circumstances are not being included within the Government's proposed ban and the proposals even go as far as protecting them. This approach invites conversion practices to continue, particularly within religious settings – which the Government's own research has illuminated as being the most common setting that conversion practices are perpetrated.

4.1.2. We are greatly concerned that private prayer has been excluded from the category of 'talking therapies'. **We recommend** that the Government adopt the recommendations from the Cooper Report (2021) which specifically calls for a ban on any religious practice that (i) has a 'predetermined purpose' of changing, 'curing' or suppressing a person's sexual orientation and/or gender identity and (ii) is directed at a particular individual or group of individuals (see Sections III (3) and VI (C)).

4.1.3. As several young people show below, 'casual conversation' etc. with the intent to change and/or suppress someone's sexual orientation and/or gender identity is, within the context of conversion practices, also harmful and need to be dealt with as robustly as any other form of conversion practice:

***'Several of us here have experienced these 'casual conversations' and they are hurtful and can plant seeds of doubt about your identity. If someone keeps telling you that you aren't trans and are just a 'tom boy' then you start believing it.'** (16-year-old trans male)*

***'That's a massive loophole. So all that's going to happen is instead of 'obvious' conversion therapy, the people who administer it will just make sure they do it casually or in a way so it can't be proved.'* (17-year-old gender questioning person)**

***'Yeah that's actually more dangerous cause it forces it to be more underground/coercive. People will just be all friendly and chatty and talk about it.'* (19-year-old trans female)**

4.1.4. One young survivor of conversion practice via private prayer expressed worry that what happened to them would not be covered by the ban despite how harmful such actions are:

***'My experience was Mum praying loudly outside room when I came out as bi any woman who touches her will spit blood and die in pool of blood.'* (16-year-old non-binary person)**

4.1.5. Another young survivor said:

***'I have been damaged by the process and never once would I have considered what was happening to me was a form of conversion therapy. It was just conversations and suggestions but they held so much power over me and genuinely made me hate who I was.'* (17-year-old trans male)**

4.2. It is vital that all young people – and adults - who have been harmed by 'casual conversations' and 'private prayer' as a practice of conversion are protected under the Government's ban in order for it to be fully effective.

4.3. **We recommend** also that the Government defines 'casual conversation' so it can be fully reviewed.

4.4. Omission of 'suppression':

4.4.1. The Government's proposals currently only include *changing* a person's sexual orientation and/or gender identity, and do not specify whether *suppression* of a person's sexual orientation and/or gender identity is to be included within the ban.

4.4.2. If suppression was not included within the definition of conversion practice, it would likely introduce a loophole for perpetrators who may argue that they were not trying to 'change' an individual's sexual orientation or gender identity, but only suppressing it.

4.4.3. As one young person vocalises:

'Surely making someone suppress who they are is going to ruin their life'.

4.4.4. Acts which attempt to 'suppress' a person's gender identity and/or sexual orientation is also harmful and constitutes conversion abuse.

4.4.5. **We recommend** the definition of conversion practices includes the attempt to 'cure', 'change' and/or 'suppress' someone's sexual orientation and/or gender identity.'

4.5. Clarification of *who* will be protected by this ban:

4.5.1. As one young person highlighted:

'[I'm] worried about non-binary identities; are they recognised in law and will this have an influence on how non binary individuals who are victims of conversion therapy will be able to report and convict abusers?' (19-year-old non-binary person)

4.5.2. Currently the Government's proposals make reference to the ban preventing 'changing a person's sexual orientation or from or to being transgender', and makes no explicit reference to intersex people, asexual (a sexual orientation that is not as well known as LGB) or aromantic (a romantic orientation) people, and non-binary people.

4.5.3. It is also of concern that the current framing of protection suggests cisgender individuals are at much of a risk as transgender individuals for being victim to conversion practice. There is no empirical evidence to support this assertion. **We recommend** a focus on the trans community when referring to the ban on gender-related conversion practices, as supported by the Government's own research.

4.5.4. **We recommend** that the ban defines gender identity to ensure it protects all individuals who have a marginalised gender identity, to ensure that the ban is not exclusionary.

4.6. Explicit clarification that safe and supportive therapies are not considered conversion practices:

4.6.1. **We strongly recommend** that the ban ensures that safe and affirmative therapies that (i) contribute to the healthy wellbeing of an LGBTQIA+ individual, (ii) are delivered by suitably qualified and regulated professional, (iii) that assist people to explore and better understand their gender identity (iv) with no predetermined outcome are *not* considered conversion practices. We are pleased to see that the Government are already being clear about this (HC Deb, 26 November 2021, cW).

4.6.2. We welcome the Government's proposed approach to complement existing clinical regulatory frameworks and their plan to not override the independence of clinicians in offering safe and supportive therapies and conversions allowing people to explore their gender identity and thereby protecting access to healthcare for trans young people (*UIN 78507, tabled 19th November 2021*).

4.7. Clarification of how this ban will apply in religious settings:

4.7.1. The Government is aware, via its own research, that the majority of conversion practices occur in religious and faith settings.

4.7.1.1. Yet there is no explicit clarity on how conversion practices will be effectively banned within religious settings within the current proposal – this is perplexing and concerning. Not only has the National LGBT Survey ([2018](#)) shown that conversion practices were most likely to be offered (51%) and conducted (53%) by faith organisations, we spoke to young people who have witnessed and/or experienced

forms of conversion practice within religious settings, as this one young person explains when asked their thoughts on conversion practices:

***'I instantly think of religion. I am a catholic and am aware that it happens A LOT within the faith.'* (17-year-old non-binary person)**

4.6.2 The ban on conversion practices must protect victims within faith settings acknowledging that any ban that respects religious freedoms can and must be limited when significant harm is being caused – this has been reflected in a recent report by leading human rights lawyers. This is not a legal approach that is radical or 'new', instead it's upholding the human rights of survivors and respects the principle of human dignity. This should not be compromised on the basis that people are part of a marginalised population.

Section Four: Restricting the promotion of conversion therapy

5. The Government considers that Ofcom's Broadcasting Code already provides measures against the broadcast and promotion of conversion therapy. How far do you agree or disagree with this? Why do you think this?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

5.1. We have found it difficult to determine whether the Broadcasting Code already provides the appropriate measures against the broadcast and promotion of conversion practices as there is little evidence of it ever doing so. In part due to the general lack of awareness in wider society, outside of the LGBTQIA+ community and the therapeutic sector, that conversion practices cause harm.

5.2. We would urge the Government to take more active steps in assessing the Broadcasting Code and its application in order to accurately determine what is currently provided for, if at all, and to determine whether further specific guidance around conversion practices is necessary.

6. Do you know of any examples of broadcasting that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?

Yes

No

Prefer not to say

7. The Government considers that the existing codes set out by the Advertising Standards Authority and the Committee of Advertising Practice already prohibits the advertisement of conversion therapy. How far do you agree or disagree with this?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

7.1. Further to our response to Question 5, we have again found it difficult to determine whether the Advertising Standards Authority (ASA) and the Committee of Advertising Practice (CAP) already prohibit the advertisement of conversion practices, as it is perhaps unlikely that either bodies have seen the necessity to do so, prior to the Government own acknowledgment of the harms caused by conversion practices and its commitment to ban such practices.

7.2. Again, we would strongly urge the Government to take active steps in determining whether the ASA and CAP codes and their understanding of conversion practices is adequate.

8. Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?

Yes

No

Prefer not to say

Section Five: Protecting people from conversion therapy overseas

9. The consultation document describes proposals to introduce conversion therapy protection orders to tackle a gap in provision for victims of the practice. To what extent do you agree or disagree that there is a gap in the provision for victims of conversion therapy?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

9.1. We **strongly agree** that there is a regrettably large gap in the provision for survivors of conversion practices in the UK.

9.2. **We recommend** that the Government ensure provision for victims and survivors of conversion practices is provided urgently, to ensure survivors are able to access the support they need.

9.3. Conversion practices *“inflict[] severe pain and suffering, and result[] in long-lasting psychological and physical damage”* ([Report on Conversion Therapy 2020](#)). To ensure the LGBTQIA+ community does not continue to experience harm via conversion practices, the Government must focus on providing holistic and robust support for survivors.

9.3 This support must be available to victims and survivors without delay, to alleviate and in certain instances, avoid ‘long-lasting psychological and physical damage’.

9.4 **We recommend** that the Government must provide a wide package of support for victims and survivors, and also potential victims and survivors of conversion practices, which includes:

- 9.4.1 Statutory provision of publicly funded support services for current and historical survivors of conversion practices;
- 9.4.2 A centralised needs assessment underpinned by research to understand the prevalence and forms, and locations in which conversion practice occurs in order to inform the future commissioning of services;
- 9.4.3 Community outreach and education to reach current victims and those most at risk, as well as wide-ranging education around LGBTQIA+ inclusivity to tackle homophobia, biphobia and transphobia in wider society which underlies conversion practices.
- 9.4.4 Specialist safeguarding training for all medical and mental health providers, social workers, counsellors, psychotherapists and psychological therapists, as well as all religious organisations to ensure that these professionals understand what conversion practices are, so they can recognise when people may be at risk of conversion practices, or are experiencing it, and how to support survivors of conversion practices.

10. To what extent do you agree or disagree with our proposals for addressing the gap we have identified? Why do you think this?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

- 10.1. We welcome the Government’s proposals to introduce ‘Conversion Therapy Protection Orders’, (CTPOs) recognising that there are existing protection orders which may protect people from conversion practices, however that there are large gaps in existing legislation to protect victims and survivors of conversion practices within the UK. As one young person pointed out:

‘I think the idea of protection orders is good. Many people wouldn’t want to try and convict their religious community for fear of being shunned. Excommunicated or because of genuine care for the individuals but would want something in place to stop these people acting on [conversion therapy] methods i.e. taking someone out the country, organising a prayer circle.’ (17-year-old non-binary person)

- 10.2. We also welcome the Government’s proposals that ‘each order would be tailored depending on the needs of the victim and the decision made by the court’, to ensure protection orders are suited to the specific circumstances of the case.

- 10.3. However, **we recommend** that the Government introduce further forms of support for victims/survivors of conversion practices outside of criminal sanctions and protection orders, taking into consideration discussions around concern of the current ineffectiveness of Protection Orders.

- 10.3.1. As Women’s Aid has [said](#) regarding civil injunctions: ‘While getting a court order may provide some protection, it isn’t always helpful: sometimes it makes very little

difference, and it can even (in some cases) be counter-productive. It really depends on the perpetrators fear of being arrested'. As some of the young people we spoke to voiced:

'I don't think that's a deterrent. It's just giving people the chance to not be held accountable for their actions. Is there evidence of these protection orders working in other areas?' (16-year-old trans male)

'If someone breaks a protection order – what actually happens?' (17-year-old trans female)

10.4. Furthermore, Protection Orders still require survivors to go through a court process, which can feel intimidating for many people, and puts in place barriers to people accessing support. Protection Orders also requires involvement with the police, any institution many trans people, especially trans people of colour and other marginalised communities do not wish to engage with for fear of facing further discrimination and/or violence. As one young person questions:

"Yes, are [the CPS, the police] a bunch of cis het white men who wouldn't put the protection orders in place in many scenarios because they wouldn't understand? Would they defend religion?" (16-year-old non-binary person)

Section Six: Ensuring charities do not support conversion therapy

11. Charity trustees are the people who are responsible for governing a charity and directing how it is managed and run. The consultation document describes proposals whereby anyone found guilty of carrying out conversion therapy will have the case against them for being disqualified from serving as a trustee at any charity strengthened. To what extent do you agree or disagree with this approach? Why do you think this?

Strongly agree

Somewhat agree

Neither agree or disagree

Somewhat disagree

Strongly disagree

Prefer not to say

11.1. Mermaids strongly agrees with this approach. It is a sensible proposal to limit the influence of those who carry out conversion practices.

Section Seven: Recognition by authorities of conversion therapy as a problem

12. To what extent do you agree or disagree that the following organisations are providing adequate action against people who might already be carrying out conversion therapy? Why do you think this?

Police:

Crown Prosecution Service
(CPS):

OTHER statutory service

Strongly agree	Strongly agree	Strongly agree
Somewhat agree	Somewhat agree	Somewhat agree
Neither agree or disagree	Neither agree or disagree	Neither agree or disagree
Somewhat disagree	Somewhat disagree	Somewhat disagree
Strongly disagree	Strongly disagree	Strongly disagree
Prefer not to say	Prefer not to say	Prefer not to say

12.1. Currently, frontline services, such as the police, health services and education systems are not recognising when someone is at risk of conversion practices, or when they're being subjected to such practices. There is a wide-spread absence of understanding and awareness of what conversion practices are, and how they manifest, as well as the harm they cause. Statutory services often ignore risks of conversion practice, including physical and violent conversion practices because they perceive them as 'private' disagreements amongst families and/or communities.

12.2. Not only is there also extremely limited action against perpetrators, there is a lack of statutory education and efforts to raise awareness amongst communities on LGBTQIA+ lives and the harm caused by conversion practices.

12.3. **We recommend that** statutory guidance and training is desperately needed for service providers to address this lack of action around conversion practices.

13. To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy? Why do you think this?

Police:	CPS:	OTHER statutory service
Strongly agree	Strongly agree	Strongly agree
Somewhat agree	Somewhat agree	Somewhat agree
Neither agree or disagree	Neither agree or disagree	Neither agree or disagree
Somewhat disagree	Somewhat disagree	Somewhat disagree
Strongly disagree	Strongly disagree	Strongly disagree
Prefer not to say	Prefer not to say	Prefer not to say

13.1. To reiterate our response to Question 12, conversion practices are widely unrecognised by most statutory services, and are therefore victims/survivors of conversion practices remain unrecognised and unsupported. Even when survivors are recognised, there is a lack of understanding around what can be done to support them.

13.2. Statutory authorities are taking limited action to support victims and survivors of conversion practices in escaping abusive situations, who may require housing or financial support to do so.

13.3. **We recommend that** statutory guidance and training is desperately needed for service providers, not only to address this lack of awareness and understanding of how to provide support, but also to address statutory authority professionals from manifesting homophobic, biphobic and transphobic views and beliefs which leads to them siding with perpetrators of conversion practices, and further alienating and/or harming victims/survivors.

14. Do you think that these services can do more to support victims of conversion therapy? If yes, what more do you think they could do?

Yes

No

Prefer not to say

14.1. In answer to the Government's question, **yes**, there is much more these services can do to support victims and survivors of conversion practices. Much of that is to address and alleviate many of the concerns the young people we spoke to raised when asked their thoughts around the Government's proposals on statutory authorities providing support:

'[...]I am concerned about CPS. I don't know a great deal about them but are they sensitive and understanding about trans identities and transphobia or are they like the police?' (16-year old trans female)

'How would CPS find out about it? Would people approach them directly or have to go through the police as that wouldn't work for many trans people especially [trans people of colour].' (17-year-old trans male)

14.2. As we have answered in response to Questions 12 and 13, statutory authorities such as the police, CPS and others have not shown themselves to be adequate in tackling conversion practices, or in supporting victims/survivors of such practices to date. Nor has it shown itself capable of addressing other similar harms, such as hate crime (as discussed in paragraph 1.5 of this response). This creates a relationship of distrust and a hopelessness within the community. Unless this is addressed, however thorough a ban is, many trans survivors, specifically survivors of colour would have no recourse.

14.3. [Galop's Hate Crime Report 2021](#) shows that: *'The vast majority of respondents had not reported to the police. Reasons given for deciding not to report revolved around the victim's perception of the offence, their previous experiences with the police, or they feared repercussions. Very few participants reported to other relevant agencies, such as a local authority or housing provider, highlighting that LGBT+ hate crime is significantly underreported'* (page 37).

14.4. We welcome the Government's proposal to 'provide training for how to protect people from being harmed', however, **we recommend** that this training must be developed alongside organisations such as Galop and others who are currently and historically have supported victims/survivors of conversion practices.

14.5. **We recommend** that specific training must also be provided around supporting victims/survivors from particular communities, so for example, training for public bodies around how to support trans survivors. However, the Government must ensure there is not an overreliance on statutory authorities providing support, and rather fund and support organisations that work directly with communities in offering support.

14.5.1. Galop's Report ([2021](#)) found that LGBT+ were more likely to be satisfied with the service they received when they accessed LGBT+ specific support (8 in 10 respondents), whereas only 4 in 10 respondents who accessed generic support were satisfied. One factor for this is the lack of understanding and awareness of LGBTQIA+ inclusivity more generic services have, and/or the possibility of discrimination and/or harassment these individuals may face when accessing generic services.

- 14.5.2. akt's LGBTQ+ Youth Homelessness Report (2021) found that 'over half (59 per cent) of LGBTQ+ young people have faced some form of discrimination or harassment while accessing services'.
- 14.6. The underfunding of the public and third sectors which provide specific support for marginalised communities, including the LGBTQIA+ community who may face discrimination when accessing generic services, must be addressed by the Government if it wishes to ensure victims/survivors of conversion practices are able to access adequate support.
- 14.6.1. **We recommend** the Government provides adequate funding for public and third sector organisations who are already providing support to survivors, and those who would be best to provide such support in the future, to ensure that a lack of adequate funding is not one of the reasons survivors are unable to access the support they need.
- 14.7. A number of young people we spoke to also expressed disbelief and distrust that statutory authorities, such as the police, would even be appropriate in providing support to victims/survivors of conversion practices, due to the widespread lack of awareness, and possibility of discrimination and even violence marginalised groups often experience from the police. Such communities include the LGBTQIA+ community, especially the trans community, the Traveller community, as well as communities of colour and particular faith communities, as well as those who live in the intersections of those communities who may face exacerbated and nuanced forms of discrimination and violence from the police.
- 14.8. Here are some direct quotes from the young people we spoke to when discussing how the police in particular could provide more support to victims/survivors of conversion practices:
- 'This must be a joke. Training the police? The police should have nothing to do with it. I can't think of many trans people who would want support from the police.'* (18-year-old genderqueer person)**
- ***
- 'Have they thought about [people of colour]? The police murder us. They are not safe. If we have been traumatised the last thing we need is police involvement.'* (16-year-old trans male)**
- ***
- 'Police not friendly face, difficulties around proof of practise. Might scare people off from seeking out support. Uniformed police officers draw attention at people's houses, people are nosey. Experience of poor training for police for other issues, worried that police may not be the people to support survivors.'* (16-year-old non-binary person)**
- ***
- 14.9. As you can appreciate from the above thoughts shared from the trans young people we spoke too, an overreliance, or even reliance on the police to support victims/survivors of conversion practices is a cause for concern, as well as overreliance of support in the form of protection orders – which are upheld by the police and other statutory bodies – as the main form of support for victims and survivors.
- 14.10. Although we do agree that these authorities will be a key form of support for victims/survivors, **we recommend** that a holistic and wide-ranging package of support must be introduced by the Government, of which we would greatly welcome engaging with further to ensure the package is as effective as possible.
- 14.11. To offer some suggestions of what further support is needed, please consider the following recommendations from the young people we spoke too:

‘Education around what will happen and what conversion therapy is needs to happen. Adults often make mistakes and family members may think they are acting out of best interest rather than being hateful.’ (16-year-old non-binary person)

‘Why don’t we talk about this stuff in schools? Everything about LGBT lives is not on the curriculum so no wonder people grow up intolerant and thinking sexuality or gender identity isn’t valid.’ (17-year-old non-binary person)

‘Safe houses if they need them and access to a free [conversion therapy support] service with no long waiting list. Separate from [the Children and Young People’s Mental Health service] etc.’ (17-year-old non-binary person)

‘Free legal counsel too.’ (17-year-old non-binary person)

‘Benefits provided if they are unable to work due to what has happened to them.’ (17-year-old non-binary person)

‘People need loving and validating therapy’. (18-year-old genderfluid person)

- 14.12. **We recommend** that the Government must ensure there is support for victims and survivors in the form of financial support; pro bono legal support when accessing court processes; housing support; medical and psychological care and support; and education. Education not only to those services providing support, but to wider society around LGBTQIA+ inclusion to tackle the homophobia, biphobia and transphobia, much of which stems from a lack of understanding, but which directly contributes to incidences of ‘conversion therapy’.

Economic appraisal

15. Do you have any evidence on the economic or financial costs or benefits of any of the proposals set out in the consultation? If yes, please can you provide us with details of this evidence, including where possible, any references to publications?

Yes

No

Equalities impacts appraisal

16. There is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act 2010. Do you have any evidence of the equalities impacts of any proposals set out in the consultation?

Yes

No

Questions related to privacy

17. Would you like your response to be treated as confidential?

Yes

No

18. What is your email address? If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.

18.1. policy@mermaidsuk.org.uk

Dated: 17th January 2022

For more information, please contact:
Lui Asquith (they/they), Director of Legal and Policy
Policy@mermaidsuk.org.uk