

# Women's Policy Group NI

## **Women's Policy Group Response to Ban Conversion Therapy Consultation (UK Government Equalities Office)**

February 2022

### 1. Introduction

The Women's Policy Group (WPG) is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. It is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQIA+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals.

The WPG uses our group expertise to lobby to influence the development and implementation of policies affecting women. The WPG is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level. This group has collective expertise on protected characteristics and focus on identifying the intersectional needs of all women; in line with international human rights mechanisms.

This response has been endorsed by the following WPG organisations:

- Women's Resource and Development Agency
- Northern Ireland Women's Budget Group
- Northern Ireland Women's European Platform
- Raise Your Voice NI
- HRE NI

## 2. Endorsements

The WPG endorse the responses submitted to this Consultation by HERe NI, the Rainbow Project, the Northern Ireland Public Service Alliance (NIPSA), Ban Conversion Therapy NI, Cara Friend, Stonewall and Ban Conversion Therapy Coalition.

## 3. General Comments

The WPG stand in solidarity with the LGBTQIA+ sector and support the banning of conversion therapy. Although this consultation primarily applies to England and Wales, the WPG are aware that responses to this consultation will be shared with the NI Assembly and look forward to engaging with the NI Assembly and Executive on this issue in the future.

Conversion therapy is currently still legal in Northern Ireland and the WPG would like to see any legislation that bans conversion therapy in England and Wales being extended to Northern Ireland. Banning this harmful practice would validate the experiences of victims and survivors, reduce the likelihood of it taking place and send a clear message to perpetrators that this practice is unacceptable. No LGBTQIA+ person should face attempts to suppress, “cure”, or change their gender identity or sexual orientation.

## 4. Responses to Survey Questions

### *SECTION 1: VIEWS ON BANNING CONVERSION THERAPY*

Question: Do you agree or disagree that the Government should intervene to end conversion therapy in principle? Why do you think this?

Answer: Strongly agree. The Government has a responsibility to protect its citizens from harmful practices, such as conversion therapy. Conversion therapy has been proven to have negative impacts on the mental and physical health of victims and exacerbates the inequalities that LGBTQIA+ people already face. This practice has already been criminalised in many countries across the world, which is an indicator of the widespread acceptance that this practice has no place in contemporary society. It should be noted that the international human rights law frameworks, including the Convention on the

Elimination of Discrimination Against Women (CEDAW), are based on the right of all individuals to self-determine their identity and live free from all forms of discrimination.

### *SECTION 2: TARGETING PHYSICAL CONVERSION THERAPY*

Question: 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?

Answer: Strongly support. Conversion therapy can include serious violent offences that must be dealt with as seriously as other types of violent crime. Treating such offences in this way would send a clear message to perpetrators that this practice is wrong and that they will face consequences if they continue to undertake this practice. It would also enable the criminal justice system to effectively deal with these crimes in a way that is proportionate and appropriate.

### *SECTION 3: TARGETING TALKING CONVERSION THERAPY*

Question: The UK Government considers that delivering talking 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?

Answer: Somewhat agree. The WPG agree that conversion therapy should be considered a criminal offence but only partially agree with the proposals set out by the consultation document.

Question: How far do you agree or disagree with the penalties being proposed?

Answer: Somewhat agree.

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

Answer: Yes.

### 1. Ban should extend to 'consensual' conversion therapy

Conversion therapy must be banned under all circumstances, even in circumstances where an adult allegedly 'consents' to conversion therapy taking place. The current proposals create a loophole where 'consenting' adults can still undergo conversion therapy. However, research shows<sup>1</sup> that the physical and psychological environment in which this 'consent' is attained does not facilitate the provision of free and uncompromised consent. As noted in findings from research conducted by the UK Government:

"Although most people who have conversion therapy appear to do so voluntarily, they also describe being led into conversion therapy by people in a position of authority in their religious institutions or families. In addition, a number of unethical practices by people in positions of authority were documented by UK interviewees, including:

- being given inaccurate information, affecting their ability to give full and valid consent
- being coerced to have conversion therapy
- being asked to sign non-disclosure agreements
- in one case, sexual assault by a conversion therapist"

### 2. Extend the definition of conversion therapy

These legislative proposals also employ a limited definition of conversion therapy that the WPG believe should be extended. A more comprehensive definition of conversion therapy should include 'suppressing' as well as attempting to change one's sexual orientation or gender identity. Extending the definition of conversion therapy to include reference to the suppression of sexual orientation or gender identity would give recognition to the fact that suppressing one's identity can also be extremely harmful to LGBTQIA+ people,

---

<sup>1</sup> UK Government (2021) 'Conversion therapy: an evidence assessment and qualitative study' Available at: <https://www.gov.uk/government/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study/conversion-therapy-an-evidence-assessment-and-qualitative-study>

as it encourages them not to act on or express their sexual orientation or gender identity.

The definition of conversion therapy should also be amended to include clarification that gender transition services are not considered a form of conversion therapy. If this cannot be done in the wording of the legislation, this clarification should be included in accompanying guidance documents. As stated by Ban Conversion Therapy Coalition, "gender transition services, gender transition healthcare and legitimate and explorative gender identity therapy are not forms of conversion therapy." The legislation should clarify that these practices do not fall under the definition of conversion therapy.

#### *SECTION 4: RESTRICTING THE PROMOTION OF CONVERSION THERAPY*

Question: The UK 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?

Answer: Somewhat disagree.

Question: 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?

Answer: Prefer not to say.

Question: The UK 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?

Answer: Somewhat agree.

Question: 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?

Answer: Prefer not to say.

## *SECTION 5: PROTECTING PEOPLE FROM CONVERSION THERAPY OVERSEAS*

Question: 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?

Answer: Strongly Agree.

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

Answer: Somewhat agree. The WPG welcome Government efforts to address the gap in provision for victims but suggest that these efforts go a step further in working to prevent victims being sent abroad for conversion therapy. These proposals could be strengthened by introducing offences for aiding or abetting the removal of a person from the UK to receive conversion therapy in another country. Similar offences already exist in the context of female genital mutilation and forced marriage.

The WPG would also like to see the introduction of measures to give protection to individuals online as conversion therapy can also take place via the internet. Young people are particularly vulnerable to being exposed to this type of conversion therapy and additional safeguards should be put in place to address this.

## *SECTION 6: ENSURING CHARITIES DO NOT SUPPORT CONVERSION THERAPY*

Question: 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?

Answer: Strongly agree. It would send a clear message to those in positions of authority and responsibility that conversion therapy is a harmful practice that has no place in the work of charities.

## *SECTION 7: RECOGNITION BY AUTHORITIES OF CONVERSION THERAPY AS A PROBLEM*

Question: To what extent do you agree or disagree that the following organisations (Police; Crown Prosecution Service; OTHER statutory service) are providing adequate action against people who might already be carrying out conversion therapy? Why do you think this?

Answer: Strongly disagree. In the absence of appropriate legislation being in place to tackle conversion therapy, action by the Police, CPS and other statutory services has remained limited and unsatisfactory.

Question: To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy? (Police; Crown Prosecution Service; OTHER statutory service)? Why do you think this?

Answer: Strongly disagree. In the absence of appropriate legislation being in place to tackle conversion therapy, support for victims provided by the Police, CPS and other statutory services has remained limited and unsatisfactory.

Question: 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?

Answer: Yes. These services should provide training for their staff on recognising the signs of conversion therapy and understanding the impacts of this practice on victims. They should also make increased resources available to provide adequate support to victims. There should also be an awareness within services of the relationship between social inequalities and economic disadvantage. LGBTQIA+ people are more likely to be in poverty and are at increased risk of homelessness. This risk can be further increased for those who are victims of conversion therapy. All support services should be victim-led and informed by the lived experiences of LGBTQIA+ people.

### 5. Concluding Remarks

We would like to reiterate our support for the banning of conversion therapy in England and Wales and emphasise that this ban should be extended to all

parts of the UK, including Northern Ireland. For additional information or for any queries regarding this letter of endorsement, please contact: [rachel.powell@wrda.net](mailto:rachel.powell@wrda.net)

*ENDS*