

Briefing for the Public Petitions Committee

Petition Number: [PE01817](#)

Main Petitioner: Tristan Gray, Ely Kearney, Erin Lux, Benjamin Butler, Sophie Duncan

Subject: End conversion therapy

Calls on the Scottish Parliament to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland

Introduction

The petition is calling on the Scottish Parliament to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland.

Conversion therapy is an attempt to 'cure' someone of the sexual orientation or gender identity.

The petitioners state that because health and criminal justice are devolved, that the Scottish Government has the power to ban LGBT+ conversion therapy in Scotland.

Memorandum of Understanding on Conversion Therapy

There is a [Memorandum of Understanding \(MoU\) on Conversion Therapy](#) (Oct 2017), signed by NHS Scotland, and a range of other organisations including the British Psychological Society and the Royal Society of General Practitioners. It is a commitment to end the practice of conversion therapy in the UK. The practice is considered unethical and potentially harmful.

The MoU also intends to ensure that:

- the public are well informed about the risks of conversion therapy
- healthcare professionals and psychological therapists are aware of the ethical issues relating to conversion therapy
- new and existing psychological therapists are appropriately trained
- evidence into conversion therapy is kept under regular review
- professionals from across the health, care and psychological professions work together to achieve the above goals.

UK Government's National LGBT Survey

The UK Government undertook a UK wide self-selecting LGBT survey in 2017 and received over 100,000 responses. One of the questions asked whether respondents had been offered or had undergone so-called 'conversion therapy' in an attempt to 'cure' them of being LGBT.

The UK Government's [National LGBT Survey Summary Report](#) (3 July 2018) states the following:

"5% of respondents had been offered so called 'conversion' or 'reparative' therapy (but did not take it up) and a further 2% had undergone it. We did not provide a definition of conversion therapy in the survey, but it can range from pseudo-psychological treatments to, in extreme cases, surgical interventions and 'corrective' rape. These figures were higher for trans respondents (e.g. 9% of trans men been offered it and 4% had undergone it). Faith organisations were by far the most likely group to have conducted conversion therapy (51% of those who received it had it conducted by faith groups), followed by healthcare professionals (19% of those who received it had it conducted by healthcare professionals)."

Other people identified as carrying out conversion therapy included 'parent, guardian, other family members' (16%), 'any individual or organisation not listed' (14%), 'person from my community' (9%), and, 'prefer not to say' (11%). Respondents could select multiple responses.

The full research report - [National LGBT Survey: Research Report](#) (2018) provides further detail.

In terms of sexual orientation, the survey showed little variation in who had undergone or been offered conversion therapy. Bisexual respondents were the least likely to have undergone or been offered it (5%), and asexual respondents the most likely (10%). "Men were generally more likely to have undergone or been offered conversion therapy (8%) than women (6%)".

Older respondents (over 65) were more likely to have undergone or been offered conversion therapy. However, there was a consistent pattern in terms of the proportions of respondents who had undergone or been offered conversion therapy amongst those aged 16-64. There was also substantial variation based on the respondent's ethnicity and religion/belief.

In terms of gender identity, the survey showed that trans respondents were more likely to have undergone or been offered conversion therapy (13%) than cisgender respondents (7%). Older trans respondents, particularly those aged over 65, were more likely to have undergone or been offered conversion therapy. Again, there was variation based on the respondent's ethnicity and religion/belief.

UK Government's LGBT Action Plan

The UK Government published its [LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People](#) on 3 July 2018.

Among the 75 actions, the [UK Government said](#) it would “eradicate the abhorrent practice” of LGBT conversion therapy.

While most of the action plan is focused on England, the announcement on conversion therapy is UK wide. The UK Government said that action to end conversion therapy would require a UK wide approach.

The following statements are in the Action Plan:

“We will bring forward proposals to end the practice of conversion therapy in the UK. These activities are wrong, and we are not willing to let them continue. Led by the Government Equalities Office, we will fully consider all legislative and non-legislative options to prohibit promoting, offering or conducting conversion therapy. Our intent is protect people who are vulnerable to harm or violence, whether that occurs in a medical, commercial or faith-based context. We are not trying to prevent LGBT people from seeking legitimate medical support or spiritual support from their faith leader in the exploration of their sexual orientation or gender identity”. (p15)

“Whilst this is a national action plan, it covers some policy areas that are devolved. It will have varying levels of effect across the four nations of the UK, owing to existing devolution arrangements. The majority of the commitments in this action plan will have effect in England only, since policy areas such as health and education are fully devolved to Scotland, Wales and Northern Ireland. Some commitments, such as those on justice, policing and gender recognition, will have effect in Wales as well. Other commitments, for example on ending conversion therapy, will require a UK-wide approach”. (p29)

“The UK Government is committed to working closely with the governments of the devolved administrations on the delivery of the commitments in this action plan. We will explore ways of collaborating to ensure that we are meeting the needs of all LGBT people across every part of the UK”. (p29)

Progress from the UK Government

The [All-Party Parliamentary Group on Global LGBT Rights](#) wrote to Liz Truss, Minister for Women and Equalities, on 29 May 2020, [seeking an update regarding the UK Government's plans to end LGBT conversion therapy](#).

It refers to:

- the ILGA World report: [Curbing deception - A world survey of legal restrictions of so-called 'conversion therapies'](#) (February 2020).
- The [2018 Faith & Sexuality Survey](#) from the Ozanne Foundation - designed to examine the role religious belief has on people's understanding and acceptance of their sexual orientation in the UK (referred to by the Petitioners).
- The Petition submitted to the House of Commons Petitions Committee, referred to below.

Liz Truss [responded on 30 May 2020](#), stating that she would shortly be bringing forward plans to end conversion therapy.

Petition in the UK Parliament

A [petition seeking to make LGBT conversion therapy illegal](#) received over 228,000 signatures. This was [considered by the House of Commons Petitions committee](#), and it noted the UK Government's response to the petition on 2 June 2020.

“It is a fundamental principle of this Government that everyone should be free to live their lives as they wish. People must feel safe at home, out on the street and online.

Conversion therapy is a very complex issue. There are a wide range of practices which may fall within its scope and we want to ensure we have a thorough understanding of the situation in the UK to inform an effective approach. Before any decision is made on proposals for ending conversion therapy we must understand the problem, the range of options available and the impact they would have.

It is important to stress that certain abhorrent and violent practices which may be classed as conversion therapy such as 'corrective' rape, or other forms of physical abuse, are already covered by existing criminal offences. Where such practices are already unlawful, we will ensure the law is clear, well understood and enforced. Where dangerous conversion therapy practices are not already unlawful, we will examine the best ways to prevent them being conducted, without sending such practices underground. As we have said previously, we are not trying to prevent LGBT people from seeking spiritual support from their faith leader or others in the exploration of their sexual orientation.

The UK Government is committed to ensuring all citizens feel safe and are protected from harm. This is why we will work to deepen our understanding and consider all options for ending the practice of conversion therapy.” (Government Equalities Office)

Update from the Prime Minister

[On 20 July 2020, the Prime Minister said](#) that on 'gay conversion therapy' the UK Government would do a study on where it is happening, on its prevalence, and then bring forward plans to ban it.

The Prime Minister did not use the term 'LGBT', and the BBC reports states that campaigners hope that the ban on 'conversion therapy' covers all LGBT people, including trans people.

Scottish Government

The [Scottish Government has written](#) (17 July 2020) to the Public Petitions Committee and said it regards conversion therapy as "unethical, harmful, and as having no place in Scotland". It also stated that:

"The Scottish Government fully supports moves by the UK Government to end conversion therapy, and officials here are engaging with the UK Government as they develop proposals".

Reserved or devolved?

The UK Government's approach is to ban conversion therapy across the UK.

Health and criminal justice are of course devolved matters under the Scotland Act 1998. However, without legislative proposals being made, it is not possible to be sure as to whether 'conversion therapy' would be entirely a reserved or devolved matter, or indeed a mixture of the two.

This was alluded to in a recent statement by the Minister for Equalities and Older People, Christina McKelvie, in the Herald ([Campaigners call on Scottish Government to ban LGBT 'conversion therapy'](#) 26 July) :

"We fully support the moves by the UK Government to end conversion therapy, and are engaging with them as they develop proposals. The legislative timetable for the current parliamentary session is currently fully committed. We are continuing to engage with officials in the UK Government on their thinking as it develops, and this will include consideration of devolved and reserved responsibilities as they relate to this practice."

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Senior Researcher
27 August 2020

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP