

Banning “Conversion Therapy”

Responding to the Government Consultation Questions

Deadline: 10 December 2021

Government Consultation: [Read here](#)

Government Questions: [Read here](#)

VfJUK Briefing: [Read here](#)

If you have read our Briefing, recommended but not essential, you may skip this introductory section and move to the next page beginning at: Government Questions – essential points to read.

As part of a mix of civil and criminal measures, the Government plans to ban so-called ‘conversion therapy’. This is a vague, indiscriminate term that is being wrongly lumped together with coercive and other illegal practices. The Government proposals threaten to become one of the most serious attacks on religious liberty, and freedom more generally, to be seen in decades, potentially turning the exercise of various freedoms into acts of crime, with penalties of imprisonment or fines.

‘Conversion therapy’ practices may include professional or pastoral support for people who voluntarily seek counselling or therapy in relation to unwanted same sex attraction and/or behaviours, and tend to neither identify as ‘gay’ nor ‘lesbian’; it can also include people who experience conflicts over their gender identity but ultimately choose to identify with their birth sex and seek help.

The new proposals include a blanket ban on “talking” conversion therapy for under 18s. While adults would not technically be barred from receiving help, the proposals include new offences, involving making it illegal for payment of ‘conversion therapy’ services, including advertising and promotion. The Government describes conversion therapy ‘practices’ as ‘abhorrent’, yet provides apparent assurances that religious liberty will be protected, and that parents will be able to bring up their children in accordance with their beliefs. However, the Government expects the police, prosecutors and statutory services to recognise and act on the “problem” of ‘conversion therapy’, through the development of new policies.

Government Questions – essential points to read

Suggested answers are offered below, but we stress you use your own individual words because each submitted response is made by an individual on their own behalf. Responses found to be written in the same words may be ignored by the Government. Several preliminary questions are asked about yourself, some of which are required. This is followed by unnumbered questions, shown below. The Government estimates it takes between 30-60 minutes to complete the questions. VfJUK suggests that only certain questions need to be answered.

Views on banning conversion therapy

Q: Do you agree or disagree that the Government should intervene to end conversion therapy in principle? We suggest you answer “strongly disagree”. You are asked to explain the reasons for your answer. In your own words, you can use some of the reasons cited below.

Some of the suggested points below for this first question will also be relevant to other questions, further below. We suggest you choose up to four points. Always use your own words. The next question begins at the top of page 5 of this briefing.

- **PASTORAL OR PROFESSIONAL HELP** Pastoral or professional support should remain legal for people who voluntarily seek help to either leave homosexual behaviours, and/or wish to diminish their same-sex attractions. Consensual help should also be available for people with gender dysphoria who choose to identify with their birth sex.
- **HUMAN RIGHTS VIOLATIONS** Banning so-called conversion therapy will breach a host of human rights: Right to Respect for Private and Family Life (Article 8), Freedom of Thought, Conscience and Religion (Article 9), Freedom of Expression (Article 10), Right to Marry (Article 12) and Prohibition of Discrimination (Article 14).
- **CRIMINALISING CHRISTIAN TESTIMONY** Testimonies of ex-gay and ex-trans people show that with pastoral or professional help, shame may be dissolved, and peace, inner transformation and self-acceptance newly discovered. The Government is causing offense to individuals by telling them “your values are wrong”. Ex-gay or ex-trans testimonies are likely to be treated as criminal offences when aired at public gatherings, especially if done online.

- **TURNING PARENTS INTO CRIMINALS** The Government plans a blanket ban on “conversion therapy” for under 18s, and for adults deemed unable to give consent, due to vulnerability. Worryingly, parents who transmit their values to their children at home about sexuality and gender may be at risk of the new criminal offenses, despite token assurances that parental religious freedoms won’t be criminalised. The Government entirely omits from their consultation, reference to the same rights for non-religious parents, meaning that such parent-child conversations could become the focus of police inquiries, regardless of religion.
- **RELIGIOUS VALUES** A great proportion of those who seek practitioner or pastoral support are motivated by religious values/beliefs. In Christian belief, individuals aren’t defined by their sexuality (heterosexual or homosexual) but are called to follow the model of Christ. This process is intertwined with repentance. Repentance for Christians is designed to replace shame and guilt, producing peace, self-acceptance, freedom and the love of God. It is offensive to Christians to call this “internalised homophobia”, an explanation that sits at the heart of the Government plans.
- **CRIMINALISING CHRISTIAN MINISTRY** The Government view underlying its ‘ban’ is that homosexual practice is never “wrong”. This puts the official Government position in sharp confrontation not only with Christianity, but other world religions. Plans to criminalise “conversion therapy” practices risk turning commonplace religious practices into acts of crime. As the CPS and police would be alerted to what the Government calls the “abhorrent” problem of conversion practices, the legal climate will inevitably turn suspicious and hostile towards Christians peacefully exercising their faith, especially where matters of sexual morality and sexual orientation/gender identity are at play.
- **PRIVATE PRAYER** “Private prayer” won’t be criminalised, the Government claims. The kinds of prayer under potential scrutiny could include repentance matters connected to sexuality or gender. For the prayer to remain “private”, would this mean someone praying about these issues with a prayer partner, or as part of a prayer group, would be committing a crime? They may consider it private, but who will decide what is “private”: will it be the police, the CPS or a court?

A single complainant, claiming the “victim” is unable to consent, could trigger police inquiries. That such worrying questions are being asked, means these Government proposals threaten to radically shift the legal climate, creating uncertainty, fear and the prospect of possible police investigations into the

possible crime of “conversion therapy”. Note that activists are demanding prayer becomes a crime, if linked to ‘conversion therapy’.

- **PUBLIC PRAYER & ONLINE CENSORSHIP** Prayers of repentance connected to homosexual practice or transgenderism, if aired online would, by definition, be ‘public’ and therefore appear to be illegal, according to current proposals. Clamp-downs on certain Christian websites, forums and videos could be expected. Other online activities, like sermons or talks about sexual ethics could be treated by the authorities as contravening the law on ‘conversion therapy’. Given the “risk” that under 18s could view this material, it is likely to be taken down. A Christian sermon or talk could, with only one single reference to homosexuality or transgenderism, be removed from the internet.
- **PREACHING, DISCIPLESHIP & EVENTS** Fee-paying Christian conferences or other ministry events, could become the focus of police investigations, if topics included material deemed to be about “conversion therapy”. This could include issues of repentance and prayer, when linked to sexuality and gender, including one-to-one discipleship support or advice. That such ‘practices’ were paid for, would only be a crime if police deemed the event included conversion therapy ‘practices’.
- Alongside the Government’s ban on payments, it is also proposed that advertising or promotion of conversion therapy practices be banned. The effect of this could include barring conferences or events dealing with ‘sexual brokenness’ matters. More broadly, speakers at **all** paid-for Christian events would be at possible risk of breaking the law, even if the conference agenda did not include ‘conversion therapy’ topics: for example, if a speaker spontaneously spoke or prayed openly from the stage on matters of sexual morality and repentance, this could be treated as illegal.
- **RESPECT PEOPLE** Identity labels refer to descriptions that are part of a person’s personal sense of “who they are”. Ex-gay or ex-trans people should be accorded the same respect for their ‘lived experience’ as LGBT and BAEM¹ people. It is discriminatory, violates equality law² and causes deep offence and hurt to tell ex-gay people that they are driven by shame in their life-choices.

¹ Black and ethnic minority people.

² *The Queen on the application of Core Issues Trust v Transport for London* [2014] EWCA Civ 34, This case was heard before the Master of the Rolls and Lord Justice of Appeal. See paragraph 98:
<http://www.bailii.org/ew/cases/EWCA/Civ/2014/34.html>

Targeting physical conversion therapy

Q: To what extent do you support, or not support, the Government’s proposal for addressing physical acts of conversion therapy?

We suggest you choose “somewhat support”. Existing criminal law, as the Government recognises, already covers physical offences, so there is no need for the creation of more offences. The Government states: “Our existing criminal law framework means that conversion therapy amounting to offences of physical or sexual violence is already illegal in this country.”³ Physical or sexual violence should rightly remain a crime, regardless of context.

We suggest you explain that any legal changes in the context of ‘conversion therapy’, should not criminalise the physical laying of hands on people. You can explain your reasons in the box provided.

Targeting talking conversion therapy

Q: The 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?

You are being asked if you agree with the introduction of a new criminal offense. The question unhelpfully lumps together a series of loaded proposals. **We suggest you either choose “strongly disagree” or “somewhat disagree”.** Regardless of your choice, you have an opportunity further below to highlight the point that any pastoral or practitioner support should only ever be consenting. By ‘disagreeing’, you are also showing your support for parental rights in the bringing up of children.

Q: How far do you agree or disagree with the penalties being proposed? We suggest you say you “disagree” with all the proposed penalties. Again, disagreeing **does not** indicate you support non-consenting therapy or pastoral help. You will have the chance to explain this point further below.

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1029644/banning-conversion-therapy-PRINT.pdf, p. 6.

This is an opportunity to cite some of the reasons why you reject the overall proposals for a ban, but try not repeating yourself with comments made under the first question above. You may choose two or three of the unused points, listed above (see *Views on banning conversion therapy*, pp 2-4).

We suggest your overall responses should be to say that there should be no penalties for people making consensual choices about their identity and sexual behaviour. These are highly personal matters and the State is totally unjustified in wading into this most intimate sphere. It is oppressive and violates fundamental freedoms and human rights.

Q: Do you think that these proposals miss anything?

We suggest you answer ‘yes’. By agreeing the proposals “miss anything”, you are agreeing that they are either incomplete or inadequate in some way.

Q: If yes, can you tell us what you think we have missed?

You may begin by briefly reiterating your opposition to the overall proposals for a ban, after which you should summarise two or three points. Again, this is an opportunity to cite some of the reasons **why** you reject the proposals, but here, you are saying the Government’s proposals are deficient. Upholding religious liberty, parental freedom and individual autonomy to make choices about identity and sexual behaviour (celibacy or exploring one’s heterosexual potential) must never become the object of criminal offences. The State must keep out of the intimate domain of human choices and values made in connection to sexuality and gender.

Try not repeating yourself with comments made under the very first question (pp 2-4). We suggest you choose some points, listed below.

- Adults consensually entering therapy or counselling should not be denied this freedom. Given the possible intervention of the State in deciding who is ‘vulnerable’ for the purposes of this ban, this becomes an unwarranted intrusion into individual privacy and liberty. Where clients wish to process their past emotional/sexual abuse experiences, almost any person could be deemed ‘vulnerable’ and unable to consent.
- The welfare and education of under 18s belongs to parents, not the State. Parents hold an inalienable and legal right to educate their children according to their values. It is not the State’s role to usurp this domain.
- When children are presented with transgender ideas at young ages, their exposure to these ideas may be enough to create confusion and vulnerability about identity. It is unconvincing when the Government promises to protect under 18s from being pressured into transgenderism (when it isn’t right for

them), as long as current relationships education is allowed to promote this ideology. Who decides when it is “not right” for the child? Teachers? Police? Other State agencies? Only parents have the right to assume responsibility in these areas.

Restricting the promotion of conversion therapy

There follows in this section four questions connected to the public promotion of ‘conversion therapy’.

Q: 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?

An answer is required. We suggest you respond to this question with “neither agree or disagree”. In the box, you are asked to explain the reasons for your answer. You may state that public broadcasting must never infringe free speech (even though it already does in this field). As gays and trans have the freedom to have their experiences aired publicly, then so too must ex-gays and those struggling with their sexuality or gender. These restrictions are evidently biased, and signal blatant censorship of ideas, muzzling adults so as to prevent them from being allowed to voice their deeply-felt life experiences and aspirations.

Q: Do you know of any examples of broadcasting that you consider to be endorsing or promoting conversion therapy?

An answer is required. We suggest you answer “Prefer not to say”. You can ignore the box.

Q: 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?

An answer is required. We suggest you answer “Prefer not to say”. You can ignore the box.

Q: Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy?

An answer is required. We suggest you answer “Prefer not to say”. You can ignore the box.

Protecting people from conversion therapy overseas

Q: 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?

An answer is required. We suggest you respond with “Prefer not to say”.

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

An answer is required. We suggest you respond with “Strongly disagree”.

Why do you think this? Please explain the reasons for your answer.

We suggest you include some of the points below. The creation of “conversion therapy protection orders” radically changes the legal climate, and will likely:

- Stigmatise ex-gay and ex-trans people further, while indirectly facilitating public shaming and hate towards these alienated groups, especially online;
- Trigger police suspicion of religious practices, following complaints, about repentance practices (prayer, discipleship, pastoral counselling or pastoral therapy) when sexual sin, homosexual behaviour, or transgender issues are at play. The pastoral counselling or therapy may be without charge, and so wouldn’t breach the Government proposals, but it could be alleged the “victim” is unable to consent, thus deeming the practice illegal.
- Teenage practising Christians (under 18s) dealing with sexuality or gender issues, along with their parents, all risk becoming the focus of police investigations, bringing unprecedented stress, stigma and fear to families, not to mention the need for legal representation. Older teenagers who ask for pastoral counselling/therapy from their pastor may also become the target of police investigations, putting the pastor at risk of imprisonment.

Note that the Government proposals include a blanket ban on ‘conversion therapy’ practices for under 18s. While there are assurances that religious liberty and parental upbringing of children will be unaffected, under 18s are said to be unable to consent to talking “conversion therapy” practices. Pastoral counselling, even if provided for free, seems likely to become targeted by “whistle blower” activists who inform the police about “non-consenting” conversion therapy.

Ensuring charities do not support conversion therapy

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?

An answer is required. We suggest you answer “strongly disagree”.

You are invited to provide reasons for your answer in the box. We suggest you include, in your own words, some of the points below.

Charity trustees working in support of people who are practising Christians, and who seek support for issues connected to identity, sexual attractions, sexual behaviour, gender, repentance and sexual sin, should never be disqualified. This is an outright violation of religious freedom and has no place in a democracy. The UK still retains a broadly Christian ethos, with a head of state who is a practising Christian, while also serving as head of the established Church. The proposal for disqualification engenders dangerous censorship of religious practice, and removes what might be the only lifeline of support for people struggling with their sexuality or gender who choose to follow their religion. Removing this freedom would be totalitarian.

People with same sex attraction or gender conflicts (typically if they are LGBT-identified) already experience higher rates of mental illness, compared to their heterosexual counterparts. Legal measures designed to cut off all channels of pastoral support in the context of charities, for people wanting to live according to traditional Christian values, will place their mental health into further jeopardy.

The Government’s proposals are cruel and oppressive.

Recognition by authorities of conversion therapy as a problem

Q: 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?

Answers are required for all three options (Police, CPS, Other statutory service). We suggest you respond with either “Neither agree or disagree” or “Prefer not to say”. In the box provided, you may briefly reiterate your opposition to this overall regime that encourages so-called conversion therapy to be seen as a “problem”.

Q: To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy?

Answers are required for all three options (Police, CPS, Other statutory service). We suggest you respond with either “Neither agree or disagree” or “Prefer not to say”. Again, in the box provided, you may briefly reiterate your opposition but if you do, choose a different point to this overall regime that encourages so-called conversion therapy to be seen as a “problem”.

Q: Do you think that these services can do more to support victims of conversion therapy?

Answers are required for all three options (Police, CPS, Other statutory service). We suggest you respond with either “Neither agree or disagree” or “Prefer not to say”. There is no need to fill in the box.

Economic appraisal

Q: Do you have any evidence on the economic or financial costs or benefits of any of the proposals set out in the consultation?

An answer is required. We suggest you choose ‘yes’.

Q: If yes, please can you provide us with details of this evidence, including where possible, any references or publications?

There is worldwide consensus that LGBT populations suffer disproportionately higher levels of poor mental health than their heterosexual counterparts. It is thought that people who don’t designate themselves “LGBT” but instead choose “same-sex

attracted”, will suffer similarly. If pastoral or practitioner support becomes criminalised (or made virtually impossible by the proposed bans on payment, promotion and advertising), this will leave more such people in a mental health crisis, with the financial burden picked up by the NHS. Their voices, and those who might otherwise offer them professional support, will be criminalised by the State.

Equalities impacts appraisal

Q: 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? An answer is required. We suggest you answer “yes”.

Q: If yes, can you provide us with details of this evidence, including where possible, any references to publications?

The following legal evidences may be cited:

- Ex-gays are a “protected” category of people under the Equality Act 2010, as ruled in: *The Queen on the application of Core Issues Trust v Transport for London* [2014] EWCA Civ 34, para. 98, <http://www.bailii.org/ew/cases/EWCA/Civ/2014/34.html>
- The Public Sector Equality Duty requires that public bodies have due regard to the need to: eliminate discrimination, advance equality of opportunity, and the fostering of good relations between different people when carrying out their activities. People choosing to live according to their own traditional values of identity, sexual behaviour or religion will be alienated and at risk of being criminalised for being “who they are” in public. “Good relations” will not be fostered with this group of people who choose to live according to their own religious or philosophical beliefs. These individuals will be further stigmatised and treated as *persona non grata* because the proposed new measures imply, officially, that their views and values are a “problem”.
- Religion is a protected characteristic under the Equality Act 2010. It is not for the State to pass legislation that tramples upon beliefs and practices that conflict with contemporary ideologies.

You are finally asked if you want your responses to be treated as confidential, and for your e-mail, so that you can receive a copy of your answers.