

Research Briefing

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Prohibiting conversion therapy



Summary

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Summary

The terms ‘conversion practices’ and ‘conversion therapy’ refer to coercive practices that aim to change or suppress a person’s sexual orientation and/or gender identity. Since 2018, successive UK Governments have described these practices as abhorrent and committed to introducing legislation to ban them.

Some conversion practices may already be illegal. For example, where they involve violence. However, the Government has argued that the current criminal law does not prohibit all conversion practices, particularly those that involve coercive talking therapies that assume one particular sexuality or gender identity is preferable to another.

Harms associated with conversion therapy

There is a scientific consensus that conversion therapies are not effective at changing someone’s sexual orientation or gender identity, and risk causing mental health problems.

In 2021 the Government commissioned academics from Coventry University to undertake a ‘rapid evidence assessment’ of the international research literature on conversion therapy. The assessment found that the balance of evidence indicated conversion practices were associated with negative health outcomes.

Some have criticised this study, drawing attention to methodological weaknesses in the evidence and the difficulty distinguishing causation from correlation.

Government proposals

On 29 October 2021 the Government published a [consultation on banning conversion therapy](#). The consultation document stated that the evidence was clear that conversion therapy does not work and can cause long lasting damage to those who go through it. The consultation ran until 4 February 2022. The Government’s response has not yet been published.

During the session of Parliament that ended on 26 October 2023 [the Government said it would, before the end of the session, publish a draft bill](#) to prohibit conversion therapy. A draft bill has not yet been published.

More recently, in December 2023, [the Government said it would publish a draft bill for pre-legislative scrutiny](#) by a joint committee of both Houses in early 2024.

Devolved administrations

Scotland

On 9 January 2024 the Scottish Government [published a consultation on ending conversion practices in Scotland](#). The consultation closes on 2 April 2024. The consultation [followed a report from 4 October 2022](#) by the Scottish Government's Expert Advisory Group on Ending Conversion Practices. The report recommended that conversion practices that seek to “change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression” should be a criminal offence in Scotland.

Wales

The Welsh Government's [LGBTQ+ Action Plan for Wales](#), published 7 January 2023, included a commitment to “Ban all aspects of LGBTQ+ Conversion Practices”.

The Welsh Government has repeatedly called for legislation to prohibit conversion practices. Criminal law is not devolved in Wales, so new criminal laws must be passed by the UK Parliament.

Northern Ireland

The Northern Ireland Assembly passed a non-binding motion on [20 April 2021 on conversion therapy](#) calling on the Minister for Communities to commit to banning conversion therapy.

Private Members' Bills

There are currently two Private Members' Bills before Parliament on the subject, one in the House of Commons and one in the House of Lords.

On 6 December 2023 the [Conversion Practices \(Prohibition\) Bill](#) was presented to the House of Commons, sponsored by Lloyd Russell Moyle MP (Labour (Co-op)). Its second reading date is scheduled for 1 March 2024.

On 20 November 2023, Baroness Burt of Solihull (Lib Dem) introduced a Private Members' Bill to the House of Lords, the [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#). The Bill had its second reading on 9 February 2024.

Stakeholder views

There is widespread, but not universal, support for prohibiting coercive practices that attempt to change a person's sexuality based on the assumption that one sexual orientation is preferable to another. Proposals to prohibit conversion practices in relation to gender identity are more controversial.

Some groups argue that a prohibition of conversion practices could encroach upon the freedom of clinicians, teachers, religious practitioners or others to help individuals understand their sexuality or gender identity.

Health, counselling and psychotherapy organisations have generally opposed conversion therapy, but they have also drawn attention to the risk of conflating it with neutral psychotherapies intended to help people with their mental health, which might include discussion of sexual orientation or gender identity.

A wide range of religious organisations support a ban on conversion therapy, although some oppose a ban that applies to talking therapy, or object to the idea of a ban entirely, arguing that existing legal protections are sufficient.

Terminology

Although most of the discussion in this area has used the term 'conversion therapy' many stakeholders reject the term. They contend that conversion practices should not be conflated with legitimate therapies, and therefore prefer 'conversion practices'.

This briefing uses both terms, reflecting the language of the material discussed. In the main it uses 'conversion therapy' because that is the term used in most of the briefing's source material.

1 Terminology used in this briefing

- **Sex** generally refers to biological and physiological characteristics, determined by sex chromosomes, reproductive function, hormones and their interactions. The Equality Act 2010 [defines](#) sex as "a man" or "a woman".
- **Gender** is not defined in UK law. It is commonly understood as a social or cultural identity expressed in terms of femininity or masculinity.
- **Gender identity** refers to an individual's experience of their gender and can include a range of identities such as man, woman, and non-binary (where someone does not exclusively identify as male or female). A

person's gender identity may not match their sex registered at birth. Some people may consider that they do not have a gender identity.

- **Gender dysphoria** refers to psychological distress from an incongruence between sex registered at birth and gender identity. To meet criteria for a medical diagnosis, the dysphoria must be associated with several factors, including, significant distress or impairment in social or occupational functioning.
- **Trans** is an umbrella term for a person whose gender identity is different from their sex registered at birth. A trans woman is a person registered male at birth who identifies as a woman. A trans man is a person registered female at birth who identifies as a man. A transgender person is someone whose firm view is that their gender does not match their biological sex.

1 What is conversion therapy?

There is no universally agreed definition of conversion therapy, but it is generally understood to involve coercive practices that aim to change or suppress a person’s sexual orientation and/or gender identity.

The term is used to refer to a range of practices, from physical violence to coercive talking therapies that proceed from the assumption that one particular sexuality or gender identity is preferable to another.

The UK Government’s [consultation](#) proposals to ban conversion therapy, discussed more fully in section 2, do not articulate a precise definition of conversion therapy.¹ Stakeholders have criticised this lack of definition and said that it is difficult to respond to legislative proposals without it.² Some definitions proposed by other organisations are set out below.

1.1 Definitions of conversion therapy/practices

UN Independent Expert report

A [May 2020 report by the UN’s Independent Expert](#) on protection against violence and discrimination based on sexual orientation and gender identity provides the following definition:

“Conversion therapy” is used as an umbrella term to describe interventions of a wide-ranging nature, all of which have in common the belief that a person’s sexual orientation or gender identity (SOGI) can and should be changed. Such practices aim (or claim to aim) at changing people from gay, lesbian or bisexual to heterosexual and from trans or gender diverse to cisgender.³

UK health organisations

Perhaps the most widely adopted definition in the UK is that found in a memorandum of understanding [signed in 2017 by a range of UK health organisations](#), including NHS England, Scotland and Wales.⁴ The memorandum defined conversion therapy as:

¹ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

² EHRC, [Response submitted to UK Government consultation: Banning Conversion Therapy](#), January 2022, see section 5 of this briefing for a discussion

³ UN Independent Expert on sexual orientation and gender identity, [Report on conversion therapy](#), 1 May 2020. “Cisgender” is a term referring to those whose gender aligns with their sex at birth.

⁴ [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022

an umbrella term for a therapeutic approach, or any model or individual viewpoint that demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to any other, and which attempts to bring about a change of sexual orientation or gender identity, or seeks to suppress an individual's expression of sexual orientation or gender identity on that basis.⁵

This definition was endorsed again in a November 2022 update to the memorandum and has largely been replicated in recent Private Members' Bills seeking to prohibit conversion therapy (see below, section 3).

Scottish Government Expert Advisory Group

On 4 October 2022, the Scottish Government's Expert Advisory Group on Ending Conversion Practices published a [report on the measures the Scottish Government should consider](#) in order to end conversion practices in Scotland. The report included a suggested definition:

any treatment, practice or effort that aims to change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression.⁶

Scottish Government consultation

On 9 January 2024 the Scottish Government [published a consultation on prohibiting conversion practices](#). Among the proposals outlined in the consultation document is the creation of a new criminal offence of engaging in conversion practices. The proposed offence would require that the offender must have intended to change another person's sexual orientation or gender identity:

the relevant conduct must be undertaken with the intention that it will result in the change or suppression of the sexual orientation or gender identity of the person against whom the act is directed. It would not matter whether the change or suppression of their sexual orientation or gender identity is achieved or is, in fact, possible.⁷

Welsh Government working group

The Welsh Government established a [Working Group on Banning Conversion Practices](#) in December 2022. In August 2023 the working group proposed the following draft definition of conversion practices, although stressed that it was not intended to operate as a legal definition:

'Conversion practices', sometimes known as 'conversion therapy', is used as an umbrella term to describe harmful interventions of a wide-ranging nature, all of which are premised on the misconception, or on the predetermined purpose,

⁵ [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022

⁶ Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022, p17

⁷ Scottish Government, Ending conversion practices in Scotland: consultation, 9 January 2024, part 8

that a person's sexual orientation and/or gender, including gender identity, can be changed, "cured", or suppressed. For example, such practices are often aimed at effecting a change from gay, lesbian, or bisexual to heterosexual and/or from trans, non-binary, or gender diverse to cisgender.⁸

1.2 Outcomes of conversion therapy

There is a scientific consensus that conversion therapies are not effective at changing someone's sexual orientation or gender identity, and risk causing mental health problems. In 2021 the Government commissioned academics from Coventry University to undertake a 'rapid evidence assessment' (REA) of the international research literature on conversion therapy. The REA found that the "balance of evidence suggests conversion therapy is unlikely to be effective and is associated with negative health outcomes."⁹

The REA noted growth in the number of studies linking exposure to conversion therapies "with multiple indicators of poor health".¹⁰ While the REA highlighted methodological limitations of the existing research - including over-reliance on survey data susceptible to sample bias - statistical studies have found that LGBT people who had experienced attempts to change their sexual orientation had poorer mental health than those who had not:

Within these studies, exposure to sexual orientation change efforts is consistently linked to higher likelihood of suicidal thoughts and suicide attempts compared with LGB people who have not had conversion therapy.¹¹

The Parliamentary Office of Science and Technology's [briefing on conversion therapy](#) provides a summary of the research evidence:

In qualitative studies, other harms reported by people who have undergone CT include: loss of self-esteem; anxiety; depression; social isolation; intimacy difficulty; self-hatred; shame and guilt; sexual dysfunction; and symptoms of post-traumatic stress disorder.

Some individuals report benefits of CT in self-reported surveys and qualitative studies, such as experiencing an increased sense of belonging, experiencing understanding and recognition of religious values, and receiving empathy and social support. However, the REA found that these benefits are not unique to CT and are common across most types of therapy and support group¹²

⁸ Welsh Government, Working Group on Banning Conversion Practices, 18 August 2023

⁹ Government Equalities Office, [Conversion therapy: an evidence assessment and qualitative study](#), 29 October 2021

¹⁰ As above

¹¹ As above

¹² [Conversion Therapy](#), POSTnote 658, 16 December 2021, pp2-3

1.3

What kinds of conversion therapy are already illegal?

Given that conversion therapy is seen as an umbrella term for a variety of practices, it could entail activities that are already illegal. For example, where it involves violence.

The Government's 2021-22 consultation on banning conversion therapy specifically highlighted the potential for conversion therapy to include offences under the:

- Sexual Offences Act 2003 (such as rape)
- Criminal Justice Act 1988 (such as assault)
- Offences Against the Person Act 1861 (such as forcibly administering drugs)

However, if the conversion practices are carried out through talking therapy, it is less clear in which circumstances they might be prohibited by the existing law. They may in some cases be prohibited under the Protection from Harassment Act 1997, where 'harassment' is defined as alarming someone or causing them distress, including through speech. However, the 1997 Act criminalises a "course of conduct", which means one-off acts will not be covered by the offence.¹³

Similarly, talking therapies may be prohibited as hate crimes under the Public Order Act 1986 if they involve threatening words or behaviour, although the relevant provisions do not apply to acts carried out inside a dwelling.¹⁴

When conversion therapy is carried out by a family member or an intimate partner it may constitute the offence of controlling or coercive behaviour.¹⁵

Additionally, conversion therapy practised by a healthcare professional may expose them to regulatory sanctions. For example, the General Medical Council has said "any such therapy is inconsistent with our standards".¹⁶

¹³ Protection from Harassment Act 1997, [section 1](#)

¹⁴ Public Order Act 1986, [section 4\(2\)](#); [section 29B\(2\)](#)

¹⁵ See [section 76](#) of the Serious Crime Act 2015, as [amended](#) by the Domestic Abuse Act 2021

¹⁶ [Letter from GMC to Cabinet Office](#), 10 December 2021

2 UK Government policy on conversion therapy

During the session of Parliament that ended on 26 October 2023 [the Government said it would, before the end of the session, publish a draft bill](#) to prohibit conversion therapy.¹⁷ A draft bill has not yet been published.

More recently, in December 2023, [the Government said it would publish a draft bill for pre-legislative scrutiny](#) by a joint committee of both Houses in early 2024, together with its response to the conversion therapy consultation that closed in February 2022.¹⁸

2.1 Changing policy position since 2014

The Government's approach to conversion therapy has been in a state of flux for the past ten years.

In 2014, Earl Howe, then Parliamentary Under-Secretary at the Department of Health, said the Government had “no current plans to ban or restrict conversion therapy via legislation as we do not feel this would be an effective preventive measure”.¹⁹

Successive administrations have since committed to making conversion therapy illegal and have consulted on proposals, although the proposals have changed over time.

Throughout this period, media outlets have reported government spokespeople as stating non-legislative options would be pursued instead, followed by the Government committing again to legislate.²⁰ The legislative proposals have at times concerned conversion therapies targeting both sexual orientation and gender identity, at others only sexual orientation.

The Government's fluctuating position on the issue has run parallel with growing public discourse around gender identity. The extent to which a conversion therapy ban could or should extend to gender identity is a topic of heated debate. Some argue a ban could have a ‘chilling effect’ on

¹⁷ PQ 182705 [on Conversion Therapy] 5 May 2023

¹⁸ PQ 900634 [on Conversion Therapy] 3 December 2023

¹⁹ PQHL294, [on homosexuality] 11 June 2014

²⁰ [Exclusive: Government ditches ban on conversion therapy, according to leaked document](#), ITV News, 31 March 2022; [“Conversion therapy: Ban to go ahead but not cover trans people”](#), BBC News, 1 April 2022

conversations about gender identity and may lead to people making decisions about gender reassignment they come to regret.²¹ Others contend it would not have this effect and say these are “straw-man arguments”.²²

There is wide consensus that coercive conversion practices, especially those entailing violence, are “abhorrent”.²³ Some contend the existing criminal law provides sufficient protection, although that view is not universal, with others arguing a ban is necessary to prevent inhuman and degrading treatment. In relation to talking therapies, some caution that a conversion therapy ban could impinge upon the independence of healthcare professionals, although healthcare stakeholders have said any practice describable as conversion therapy could never be ethical.²⁴

The Government has cited the need to carefully weigh these issues as the reason for the delayed introduction of draft legislation. The following sections provide a more detailed overview of the development of the Government’s policy approach to conversion therapy.

2.2 Government-commissioned research

National LGBT Survey

In July 2017, [the Government announced a national LGBT survey](#), which aimed to gather information about the experiences of LGBT people in the UK. Among other things, the survey asked whether respondents had ever undergone or been offered conversion therapy. The survey closed on 15 October and received around 108,100 valid responses.²⁵

While the survey itself did not define conversion therapy,²⁶ the [research report summarising the findings](#) described it as techniques intended to change someone’s sexual orientation or gender identity:

So-called conversion therapies, sometimes also referred to as cure, aversion or reparative therapies, are techniques intended to change someone’s sexual orientation or gender identity. These techniques can take many forms and commonly range from pseudo-psychological treatments to spiritual

²¹ See for example, Sex Matters, [write to your MP to ban “modern conversion therapy”](#) (accessed 31 January 2023)

²² See comments made by Annelise Dodds, the Shadow Secretary of State for Women and Equalities, [HC Deb 6 December 2023 c96WH](#)

²³ The Government has consistently used this term, see for example: Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p14

²⁴ See below, section 5.1

²⁵ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p15

²⁶ The survey question was “Have you ever had so-called “conversion” or “reparative” therapy in an attempt to “cure” you of being LGBT?”; Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p298

counselling. In extreme cases, they may also include surgical and hormonal interventions, or so-called ‘corrective’ rape.²⁷

The survey found that 2% of all respondents said that they had undergone conversion therapy in “an attempt to ‘cure’ them of being LGBT, and a further 5% having been offered it”.²⁸ The survey did not ask respondents when the conversion therapy took place, nor in which country.

The Government’s summary of the findings said the evidence suggested conversion therapy was a current issue:

Older cisgender respondents were more likely to have undergone conversion therapy than those in younger age groups. There was a relatively consistent pattern, however, in terms of the proportions of respondents who had undergone or been offered conversion therapy amongst all of those aged 16-64, thereby suggesting that this is a live issue and not just one that affected older generations. Ten per cent of those aged 65 or above said that they had undergone or been offered conversion therapy, compared to 8% of 16-17 year olds and 7% of 18-34 year olds²⁹

The survey found that 13% of transgender respondents said they had undergone or been offered conversion therapy, compared with 7% of respondents who were not transgender.³⁰

In terms of who conducted or offered conversion therapy, of those respondents who said they had undergone or been offered conversion therapy, 53% said they had been offered if by faith organisations; 51% said faith organisations conducted it; 19% said conversion therapy had been conducted by healthcare providers; and 16% said it had been conducted by parents, guardians or family members.³¹

However, transgender respondents were more likely than respondents who were not transgender to have been offered conversion therapy by their family and for it to have been conducted by healthcare providers:

A considerably higher proportion of trans respondents who were given conversion therapy said that it had been conducted by healthcare providers or medical professionals (29%) than cisgender respondents (15%). Trans respondents were slightly less likely to have been offered conversion therapy by faith organisations or groups (49%) than cisgender respondents (54%), but were more likely to have been offered it by parents, guardians or other family members (37%) than cisgender respondents (28%)³²

²⁷ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p83

²⁸ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p83

²⁹ As above, p84

³⁰ As above, p89

³¹ As above, p93

³² As above, p93

The prevalence of conversion therapy in the UK

A 2021 government research paper [on the prevalence of conversion therapy in the UK](#) stated that the LGBT survey over-represented certain groups “such as younger people and those living in the South East of England”, meaning the findings may be subject to sample bias.³³ The research paper goes on to say that the small proportion of people who experience conversion therapy makes it difficult to get a representative sample in a survey:

Surveying the LGBT population is a fundamentally challenging thing to do, which is why researchers often have to rely on self-selecting samples. Also, people who experience conversion therapy represent a small proportion of the overall population. This creates a substantial challenge in generating any robust estimates of prevalence.³⁴

Nevertheless, the research applied a weighting to the data in an attempt to correct for sample bias, and found that this did not significantly change the survey’s results:

the new weighted percentages did not markedly alter the headline statistics on the proportions of respondents saying they had been offered or received conversion therapy. It found that 2.9% of respondents had received conversion therapy and 5.0% were offered conversion therapy³⁵

For a fuller exploration of research on the prevalence of conversion therapy and related scientific research, see the Parliamentary Office of Science and Technology’s [briefing on conversion therapy](#).³⁶

2.3

LGBT Action Plan

Alongside the publication of the survey results in July 2018, the Government launched its [LGBT Action Plan](#). This summarised its actions in response to the survey results and included a commitment to “bring forward proposals to end the practice of conversion therapy in the UK”.³⁷

The action plan went on to state that the Government would consider legislative and non-legislative options for prohibiting conversion therapy, trying to balance this with the freedom to seek medical or spiritual support:

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

³³ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p93

³⁴ As above

³⁵ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

³⁶ Conversion Therapy, POSTnote 658, 16 December 2021

³⁷ Government Equalities Office, [LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People](#), p4

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.³⁸

Several parliamentary questions probed the Government’s position following its commitment to prohibit conversion therapy. Broadly, from 2018 to 2020 the Government’s position remained that the introduction of this legislation was a complex matter that required wide engagement and consultation before bringing forward proposals.³⁹

2.4 2021 Queen’s Speech

The [2021 Queen’s Speech](#), which outlines the Government’s legislative agenda for the parliamentary session ahead, committed to bring forward measures to ban conversion therapy.⁴⁰ The background briefing said that the Government would “ban conversion therapy, ensuring abhorrent and coercive practices are prohibited”.⁴¹

Similar to the position stated in the LGBT Action Plan, the background briefing said that any measures introduced to ban conversion therapy would have to be “proportionate and effective” while avoiding “unintended consequences”.⁴²

The Government said that it would “ensure medical professionals, religious leaders, teachers and parents can continue to be able to have open and honest conversations with people”.⁴³ The Government said it would consult “before details of the ban are finalised”.⁴⁴

2.5 Consultation: October 2021 to February 2022

On 29 October 2021 the Government published a [consultation on banning conversion therapy](#). The consultation document stated that the evidence was clear that conversion therapy does not work and “can cause long lasting damage to those who go through it”.⁴⁵

In [announcing the consultation](#), the then Minister for Women and Equalities, Liz Truss, said that “gaps remain in the law that allow damaging practices to

³⁸ Government Equalities Office, [LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People](#), p15

³⁹ PQHL10457 [[on conversion therapy](#)] 9 October 2018

⁴⁰ Queen’s Speech 2021, 11 May 2021

⁴¹ Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p14

⁴² Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p117

⁴³ As above

⁴⁴ As above

⁴⁵ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

continue”.⁴⁶ Ms Truss specifically addressed concerns about the potential impact of the ban on clinical independence and freedom of speech:

I also want to reassure those who may have concerns about the impact of this ban on clinicians’ independence as well as on freedom of speech. Core freedoms, such as freedom of choice, speech and belief, are central to these proposals. It is vitally important that no person is forced or coerced into conversion therapy, and that young people are supported in exploring their identity without being encouraged towards one particular path. We will continue to protect under-18s from being channelled into irreversible decisions. These proposals do not alter the existing clinical regulatory framework or the independence of regulated clinicians working within their professional obligations.⁴⁷

The minister said the Government intended to prepare legislation for Spring 2022, a commitment reflected in the consultation document.

The policy proposals outlined in the consultation document would apply to conversion practices targeting both gender identity and sexual orientation:

- Talking conversion therapies would be made illegal for under-18s, and for adults that are either coerced or do not have capacity⁴⁸ to consent to conversion practices.
- Physical violence that might be carried out as part of conversion therapy are already illegal under existing legislation. The Government suggested that when violent offences motivated by conversion therapy are prosecuted courts “must consider this as an aggravating factor upon sentencing”.⁴⁹
- Conversion Therapy Protection Orders would be introduced to protect potential victims “from undergoing the practice including overseas”.⁵⁰ These orders would be tailored to the needs of the victim.

Alongside these, it said a “holistic package of measures” would offer support to victims and limit the potential promotion of conversion therapy practices.⁵¹

The consultation document also considered restricting the promotion of conversion therapy, although it said that [Ofcom’s Broadcasting Code](#) and the [UK Advertising Codes](#) already provided measures against the promotion of these practices.

The consultation ran until 4 February 2022. The Government’s response has not yet been published. The consultation document stated that the

⁴⁶ [Announcement of a Consultation on How to Ban Conversion Therapy](#), HCWS357, 29 October 2021

⁴⁷ As above

⁴⁸ Capacity in this sense is assessed by reference to the Mental Capacity Act 2005, [section 5](#)

⁴⁹ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

⁵⁰ As above

⁵¹ As above

Government intended to “legislate when parliamentary time allows” and would “prepare a draft bill for spring 2022”.⁵²

In evidence to the Women and Equalities Select Committee in November 2021, the then Minister for Equalities, Mike Freer, said the consultation was intentionally narrow, focusing on the technical elements of how a ban could be implemented, not whether it should.⁵³

2.6 2022: Leaked government document

On 31 March 2022, ITV reported that it had seen a leaked official document indicating the [Government no longer planned to introduce legislation to ban conversion therapy](#).⁵⁴ Other media coverage quoted a Government spokesperson who said the Government was looking at non-legislative ways to prevent the practice.⁵⁵

Later that day, media outlets reported that Government sources had indicated a ban would go ahead, but that it would be limited to conversion therapy in respect of sexual orientation; conversion therapy concerning gender identity would be excluded from its scope.⁵⁶

2.7 2022 Queen’s Speech

In the May 2022 Queen’s Speech, Queen Elizabeth II announced that legislation would “be introduced to ban conversion therapy”.⁵⁷ The background briefing to the Queen’s Speech stated that a Conversion Therapy Bill would seek to ban “conversion therapy practices intended to change sexual orientation”.⁵⁸ There was no mention of any application to gender identity. The Bill would extend and apply to England and Wales.

The background briefing said the legislation would:

- Introduce a criminal offence banning non-physical conversion therapies “to complement existing legislation which protects people from acts which inflict physical harm”.⁵⁹ The offence would apply to conversion

⁵² Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

⁵³ Women and Equalities Committee, [Oral evidence: The Government’s consultation on conversion therapy](#), HC 878, 30 November 2021, Q51

⁵⁴ [Exclusive: Government ditches ban on conversion therapy, according to leaked document](#), ITV News, 31 March 2022

⁵⁵ [“Boris Johnson backtracks over LGBT conversion practices ban after backlash”](#), The Guardian [online], 31 March 2022

⁵⁶ [“Conversion therapy: Ban to go ahead but not cover trans people”](#), BBC News, 1 April 2022

⁵⁷ Queen’s Speech 2022, 10 May 2022

⁵⁸ Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

⁵⁹ As above, p128

therapy in respect of anyone under-18, and to over-18s “who do not consent and who are coerced or forced to undergo conversion therapy practices”.⁶⁰

- Make violent conversion therapy a potential aggravating factor when sentencing for an offence.
- Remove profits obtained from conversion therapy from those found guilty of the offence.
- Introduce Conversion Therapy Protection Orders, which would “set out certain conditions to protect a person from undergoing the practice”.⁶¹ For instance, removing a passport for those at risk of being taken abroad, or “any requirement the court considers necessary to protect that person”.⁶²

Aside from the fact these proposals did not relate to gender identity, they were broadly in line with the proposals in the Government’s consultation.

Conversion therapy concerning gender identity was excluded from these proposals due to “the complexity of issues and need for further careful thought”.⁶³ The Government said that it would “carry out separate work to consider the issue of Transgender Conversion Therapy further”.⁶⁴

In a response to a petition on “ensuring trans people are fully protected under any conversion therapy ban” in May 2022, which received 149,167 signatures, the Government said that it did not want to inadvertently affect support for those experiencing gender dysphoria, who may seek out talking therapy.⁶⁵

The [background briefing notes](#) specifically addressed concerns about the intersection of a ban with freedom of speech and clinical and teaching independence. The Government said it would seek to protect “freedom of speech, ensuring parents, clinicians and teachers can continue to have conversations with people seeking support”.⁶⁶

It said that the proposed legislation would not affect “professional frameworks that guide clinicians’ ability to support people” and that: “Robust, exploratory and challenging conversations which are part of regulated care do not fall within the scope of the ban”.⁶⁷

⁶⁰ Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

⁶¹ As above

⁶² As above

⁶³ As above, p129

⁶⁴ As above

⁶⁵ E-petition 613556: [Ensure Trans people are fully protected under any conversion therapy ban](#)

⁶⁶ Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

⁶⁷ As above

2.8

Recent parliamentary comment

In a statement to the House of Commons on 17 January 2023, Michelle Donelan, then Secretary of State for Digital, Culture, Media and Sport, announced that the Government would “publish a draft Bill which will set out a proposed approach to ban conversion practices”.⁶⁸

The prohibition would apply to England and Wales and would protect “those targeted on the basis of their sexuality, or being transgender”.⁶⁹ The Secretary of State said the draft bill would be published “shortly” and undergo pre-legislative scrutiny in the then current parliamentary session:

This is a complex area, and pre-legislative scrutiny exists to help ensure that any Bill introduced to parliament does not cause unintended consequences. It will also ensure that the Bill benefits from stakeholder expertise and input from parliamentarians.

The legislation must not, through a lack of clarity, harm the growing number of children and young adults experiencing gender related distress, through inadvertently criminalising or chilling legitimate conversations parents or clinicians may have with their children.⁷⁰

In [response to a Parliamentary Question on 6 March 2023](#), the Government confirmed this timeline.⁷¹ On 5 May 2023, the Government again indicated that it planned for a bill to “complete pre-legislative scrutiny in the current parliamentary session”.⁷²

In response to a written question on 25 October 2023, the Government said that it would set out further details on a possible ban “in due course”.⁷³ A draft bill was not introduced in the last session of Parliament, which ended on 26 October 2023, and did not feature in the 7 November 2023 King’s Speech.

In the day following the King’s Speech, Lord Sharpe of Epsom, speaking for the Government, explained why a bill to ban conversion therapy had not been included in the speech:

We will set out further details on it in due course. The priority is to tackle this issue in ways that are effective and avoid unintended consequences, particularly those that might affect young or vulnerable people. It is about taking time to fully consider the consultation responses and how best to reflect parents’ roles and interests in the importance of legitimate clinical work.⁷⁴

On 28 November 2023, the Minister for Equalities, Stuart Andrew, said that the Government was “carefully considering this very complex issue”, and would

⁶⁸ [WS HCWS500 \[Online Safety Update\] 17 January 2023](#)

⁶⁹ [WS HCWS500 \[Online Safety Update\] 17 January 2023](#)

⁷⁰ As above

⁷¹ PQ 156303 [on Conversion Therapy] 6 March 2023

⁷² PQ 182705 [on [Conversion Therapy](#)] 5 May 2023

⁷³ PQ 906698 [on [Conversion Therapy](#)] 25 October 2023

⁷⁴ [HL Deb 8 November 2023 c141](#)

be “setting out further details on this in due course”.⁷⁵ In response to a Parliamentary Question on 13 December 2023, Stuart Andrew said the Government remained “absolutely committed to taking action to tackle abhorrent conversion ‘therapy’ practices” and that a draft bill would be published “for pre-legislative scrutiny by a joint Committee of both Houses in the new year, alongside the Government’s response to the consultation”.⁷⁶

On 21 November 2023 Cat Smith MP, chair of the Petitions Committee, wrote to the Minister for Women and Equalities to ask for an update on the Government’s proposal to ban conversion therapy.⁷⁷ In replying to Cat Smith, Stuart Andrew again said that a draft bill would be published for pre-legislative scrutiny, stating that “a Bill would identify those practices as a particular threat to LGBT people” and that it would “confirm the illegality of harmful processes intended to change someone”.⁷⁸

⁷⁵ PQ 2688 [on [Conversion Therapy](#)] 28 November 2023

⁷⁶ PQ 900634 [on [Conversion Therapy](#)] 3 December 2023

⁷⁷ [Letter from Chair of the Petitions Committee to Minister for Women and Equalities](#), 21 November 2023

⁷⁸ [Letter from Minister for Equalities to Chair of the Petitions Committee](#), 13 December 2023

3

Private Members' Bills

Conversion Practices (Prohibition) Bill 2023-24

On 6 December 2023 the [Conversion Practices \(Prohibition\) Bill](#) was presented to the House of Commons, sponsored by Lloyd Russell Moyle MP (Labour (Co-op)). Its second reading date is scheduled for 1 March 2024. At the time of writing the Bill has not yet been published, but the long title states that it intends to ban conversion practices to change someone's sexual orientation or gender identity. The Bill is a ballot bill, with Lloyd Russell Moyle coming fifth in the Private Members' Bills ballot, [held on 16 November 2023](#). This means the Bill is likely to be allocated time for a second reading debate.⁷⁹

Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill [HL]

On 20 November 2023, Baroness Burt of Solihull (Lib Dem) introduced a Private Members' Bill to the House of Lords, the [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#). The Bill had its second reading on 9 February 2024. It would extend and apply to England, Wales, Scotland and Northern Ireland.

The prohibition envisaged by the Bill is framed broadly. It would make it an offence for a person to “practise, or offer to practise, conversion therapy”. The offence would be punishable by an unlimited fine.⁸⁰ The Bill would define conversion therapy as:

any practice aimed at a person or group of people which demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to another, and which has the intended purpose of attempting to—

(a) change a person's sexual orientation or gender identity, or

(b) suppress a person's expression of sexual orientation or gender identity.⁸¹

⁷⁹ [Standing order 14\(8\)](#)

⁸⁰ See Clause 1(3)

⁸¹ [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#), clause 1

The definition is similar to paragraph 2 of the memorandum of understanding on conversion therapy, agreed by healthcare organisations.⁸²

Some commentators have criticised the broad scope of the Bill. In seeking to prohibit any practice that falls within the Bill’s definition of conversion therapy, the Bill could potentially extend to social, family or religious settings. This raises the possibility of the Bill conflicting with rights protected by the [European Convention on Human Rights](#) (PDF), particularly the Article 8 right to private and family life; the Article 9 right to freedom of thought, conscience and religion; and the Article 10 right to freedom of expression.

The Christian Institute, a UK-based organisation representing evangelical Christianity, sought [legal advice on the Bill](#) (PDF), which it has published online.⁸³ The institute was concerned the Bill could criminalise “the statement, teaching and practice of traditional Christian beliefs both in churches and in domestic settings” as well as more generally impinging upon the rights of parents and others to discuss and offer guidance on issues of gender identity and sexual orientation.⁸⁴

The advice highlights the broad scope of the Bill, noting that “It would apply across the whole range of life; including in religious settings, social settings, and in the home”.⁸⁵ It concludes that, as a result, it is unlikely to be compliant with the European Convention on Human Rights, particularly when it applies to domestic settings:

Within the home, moreover, a legal prohibition on parents expressing their religious beliefs to their children, with a view to fostering beliefs and behaviours in their children, seems to us to be highly problematic and unlikely to be compatible with ECHR rights.⁸⁶

A briefing on the Bill [prepared by the House of Lords Library](#) quotes correspondence with Baroness Burt, in which Baroness Burt explains how the Bill seeks to ensure that psychological practice and religious advice would not be within scope of the proposed offence:

it’s important to differentiate between psychological practice or religious advice and conversion therapy. A therapist, for example, who is exploring gender dysphoria with a young person in good faith—with no predetermined goal to change how that young person ought to be—shouldn’t be penalised. That’s why my bill would require the police to demonstrate both action and motivation when attempting to prosecute in relation to this offence.

These are complex, often uncomfortable conversations about where the line should be drawn. But I believe to be effective, the ban needs to be

⁸² See above, section 1.1

⁸³ Legal Advice: Private Member’s Bill to Prohibit Conversion Therapy, 29 November 2023

⁸⁴ As above, p2

⁸⁵ As above, p7

⁸⁶ As above, p11

comprehensive, clear and inclusive of all LGBT+ [lesbian, gay, bisexual, transgender and other identities] people.⁸⁷

Second reading debate in the Lords

Baroness Burt's Bill [was debated at second reading](#) on 9 February 2024 and has now proceeded to a committee of the whole house.

In speaking to the Bill, Baroness Burt said that it was “deliberately couched in general language” with the aim of initiating debate and being amended “to make it stronger and more acceptable”.⁸⁸

Many of their Lordships speaking in the debate were critical of the Bill's drafting, arguing that it could interfere with free speech, religion, clinical freedom and private and family life.⁸⁹ Some argued that the evidence base for the Bill was weak.⁹⁰

However, many of their Lordships supported the Bill in principle if not in substance and argued for it to be improved and amended during its passage through Parliament.⁹¹ Some highlighted the delayed Government legislation, and said that if the Government opposed this Bill, it should introduce its own.⁹²

In responding for the Government, Baroness Barran expressed concern about the Bill's drafting, including the definition of “conversion therapy” and the lack of definition of “gender identity”, which is otherwise undefined in statute.⁹³ The Minister also argued against the proposed UK-wide territorial extent, given criminal law is devolved to Scotland and Northern Ireland.

The Minister reiterated the Government's intention to introduce “draft legislation for pre-legislative scrutiny by a committee of both Houses on this issue” and said that there remains a gap in the law

including surrounding non-physical and speech-based acts, such as one-off instances of significant verbal degradation or abuse, which are not covered by existing legislation.⁹⁴

⁸⁷ [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#), House of Lords Library, 1 February 2024, pp2-3

⁸⁸ [HL Deb 9 February 2024 c1843](#)

⁸⁹ As above, c1844

⁹⁰ As above, c1850-51

⁹¹ As above, c1852

⁹² As above, c1870

⁹³ As above, c1912

⁹⁴ As above, c1913

Conversion Practices (Prohibition) Bill 2021-22

On 6 May 2022 Wera Hobhouse MP (Lib Dem) introduced the [Conversion Practices \(Prohibition\) Bill](#) as a presentation bill. The Bill did not progress to second reading and fell at the end of the 2021-2022 session of Parliament.

The text of the Bill is identical to the text of the Bill introduced by Baroness Burt of Solihull.

4 Devolved administrations

The Government's proposals to ban conversion therapy would introduce new criminal offences, so the relevant law would likely not extend to Scotland or Northern Ireland, where criminal law is devolved.

England and Wales are treated as one jurisdiction for the purposes of criminal law, and therefore a prohibition would apply to both. This would be in keeping with the commitment in the Queen's Speech 2022, which said a conversion therapy bill would extend and apply only to England and Wales.

4.1 Scotland

On 9 January 2024 the Scottish Government [published a consultation on ending conversion practices in Scotland](#).⁹⁵ The consultation closes on 2 April 2024. The consultation used the term 'conversion practices' rather than conversion therapy "to reflect the variety of forms that practices can take" and to recognise "that conversion practices are not a legitimate form of 'therapy'".⁹⁶

The consultation [followed a report from 4 October 2022](#) by the Scottish Government's Expert Advisory Group on Ending Conversion Practices.⁹⁷

The report outlined measures the Scottish Government should consider in order to end conversion practices in Scotland. It recommended that conversion practices that seek to "change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression" should be a criminal offence in Scotland.⁹⁸

In the foreword to the consultation, Scotland's Minister for Equalities, Emma Roddick, said conversion practices are damaging and destructive acts "that violate the human rights of those who undergo them".⁹⁹

The consultation proposes:

- New criminal offences covering both the provision of a conversion practice service, and coercive course of behaviour. It would also be an

⁹⁵ Scottish Government, Ending conversion practices in Scotland: consultation, 9 January 2024

⁹⁶ As above

⁹⁷ Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022

⁹⁸ As above, p17

⁹⁹ As above

offence to cause someone habitually resident in Scotland to leave Scotland with the intention that they will undergo conversion practices.

- A new statutory aggravating factor for existing criminal offences (such as those covering physical violence) where the intent is that the victim's sexual orientation would be changed or suppressed.
- A new civil protection order relating to conversion practices. This would allow individuals, local authorities and the police to apply to the civil court to protect someone from conversion practices.¹⁰⁰

The consultation document states that the legislation would not prevent someone giving guidance to a person questioning their sexual orientation or gender identity as long as it was ethical and did not direct the person to a particular conclusion:

It does not include non-directive and ethical guidance and support to a person who might be questioning their sexual orientation or gender identity or experiencing conflict or distress, whether that is provided by a healthcare practitioner, a family member, or a religious leader.¹⁰¹

The document said that the legislation also would not apply to “non-directive or non-coercive” discussions, questioning and guidance or general parental direction, guidance, controls and restrictions.¹⁰²

Practices would not be within scope of the prohibition where they “allow the individual to come to their own decision, whatever that may be” and do “not direct them to a particular pre-determined sexual orientation or gender identity that is considered ‘preferable’”.¹⁰³

4.2

Wales

The Welsh Government's [LGBTQ+ Action Plan for Wales](#), published 7 January 2023, included a commitment to “Ban all aspects of LGBTQ+ Conversion Practices”.¹⁰⁴ It also established the advisory [Working Group on Banning Conversion Practices](#) in December 2022.¹⁰⁵

The Welsh Government has repeatedly called for legislation to prohibit conversion therapy; as stated above, criminal law is not devolved in Wales, so new criminal laws must be passed by the UK Parliament. On 1 April 2022, following reports that the UK Government had dropped plans to legislate to ban conversion therapy, the Welsh Government said it was seeking legal

¹⁰⁰ Scottish Government, Ending conversion practices in Scotland: consultation, 9 January 2024, see parts 5-11

¹⁰¹ As above, see part 5

¹⁰² As above

¹⁰³ As above

¹⁰⁴ Welsh Government, LGBTQ+ Action Plan for Wales, 7 January 2023

¹⁰⁵ Welsh Government, [Working Group on Banning Conversion Practices](#) (accessed 31 January 2024)

advice on the scope of the Welsh Government's devolved competence to prohibit conversion therapy "in order to seek the devolution of any additional powers needed to ban conversion therapy in its entirety".¹⁰⁶

4.3

Northern Ireland

The Sexual Orientation Strategy Expert Advisory Panel (subsequently renamed as the LGBTQI+ Strategy Expert Advisory Panel) was appointed by the Northern Ireland Executive in October 2020.¹⁰⁷ It was tasked with producing a report for the Minister of Communities that set out recommendations about the themes and key actions that should be included in Northern Ireland's LGBTQI+ Strategy.

Its report was published in December 2020.¹⁰⁸ The panel provided the following definition of conversion practices:

Any practice (medical, therapeutic or otherwise) aimed at changing or suppressing a person's sexual orientation or gender identity.¹⁰⁹

The panel suggested one of the strategy's possible actions should be to make such practices illegal; alongside other measures, for example a "robust system for investigating claims of [conversion therapy] practice".¹¹⁰

The Northern Ireland Assembly passed a non-binding motion on [20 April 2021 on conversion therapy](#) calling on the Minister for Communities to commit to banning conversion therapy:

That this Assembly rejects the harmful practice widely referred to as conversion therapy; notes that the UK Government National LGBT Survey in 2018 reported that 2% of respondents had undergone conversion therapy with a further 5% having been offered it; acknowledges the damage this practice causes to the mental health of those who are subjected to it; further acknowledges that this practice has been widely rejected by medical professionals; declares that it is fundamentally wrong to view our LGBTQ community as requiring a fix or cure; and calls on the Minister for Communities to commit to bringing forward legislation before the end of the current Assembly mandate to ban conversion therapy in all its forms.¹¹¹

¹⁰⁶ [Conversion therapy: Welsh government seeks legal advice](#), BBC News, 1 April 2022; Welsh Government, '[Survivors of 'conversion therapy' among expert group helping advise Welsh Government on actions to ban "abhorrent" practice in Wales](#)', 17 January 2023

¹⁰⁷ Sexual Orientation Strategy, Department for Communities (accessed 31 January 2024)

¹⁰⁸ LGBTQI+ Strategy Expert Advisory Panel, [Themes and Recommendations](#) (PDF), December 2020

¹⁰⁹ As above, p33

¹¹⁰ As above

¹¹¹ Northern Ireland Assembly, [Motion: Conversion Therapy](#), 20 April 2021

5

Stakeholder views on banning conversion therapy

The Government has consistently described conversion therapy as abhorrent. There is widespread, but not universal, support for prohibiting coercive practices that attempt to change a person's sexuality or gender identity based on the assumption that one sexual orientation or gender identity is preferable to another.

There are, however, concerns among some groups that efforts to ban conversion therapy could encroach upon the freedom of clinicians, teachers, religious practitioners or others to help individuals understand their sexuality or gender identity.

There is a diverse range of views both between and within stakeholder groups. For example, health, counselling and psychotherapy organisations have generally opposed conversion therapy,¹¹² but they have also drawn attention to the risk of conflating it with neutral psychotherapies intended to help people with their mental health, which might include discussion of sexual orientation or gender identity.¹¹³ Similarly, a wide range of religious organisations support a ban on conversion therapy,¹¹⁴ while others oppose a ban that applies to talking therapy,¹¹⁵ or object to the idea of a ban entirely, arguing that existing legal protections are sufficient.¹¹⁶

The following section provides an overview of some of the main themes that have emerged from the stakeholder reaction to the Government's proposals.

¹¹² For example, [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022

¹¹³ For example, [UKCP guidance regarding gender critical views](#), UKCP (accessed 31 January 2024)

¹¹⁴ For example: Church of England, [General Synod backs ban on conversion therapy](#), 8 July 2017; [The Methodist Church, The Methodist Church reaffirms its opposition to Conversion Therapy](#), 8 April 2022; Church of Scotland, [Faith Impact Forum 2022](#); Church of Wales, [Bishops welcome conversion therapy ban commitment](#), 29 April 2022; Ozanne Foundation, [Letter to Minister for Women and Equalities](#), 7 July 2020

¹¹⁵ For example, Christian Medical Fellowship, [Banning conversion therapy – a response by the Christian Medical Fellowship](#), 2021

¹¹⁶ For example, Christian Concern, [Responding to government's 'conversion therapy' ban announcement](#), 17 January 2023

5.1

Themes in the stakeholder comment

The need for clear legal definitions

In its response to the Government’s consultation, the Equality and Human Rights Commission (EHRC) said it agreed in principle that harmful conversion therapy practices should be ended.¹¹⁷ However, it said that without a clear legal definition of what is meant by conversion therapy, it was difficult to provide a sufficiently informed response.¹¹⁸

The EHRC suggested that the target of the legislation should be “harmful practices intended to change someone’s sexual orientation or to change them to or from being transgender” and that legislation should be drafted carefully so as not to criminalise:

legitimate and appropriate counselling, therapy or support which enables a person to explore their sexual orientation or gender dysphoria, and to avoid criminalising mainstream religious practice such as preaching, teaching and praying about sexual ethics.¹¹⁹

Similar concerns have been raised by some healthcare and religious organisations. For example, the Evangelical Alliance, which promotes evangelical Christian beliefs, supported the Government’s aim to “ban forced and abusive practices”.¹²⁰ However, it said that more clarity was needed on the classification of “talking conversion therapy”, in order to ensure that “common ministry practices” were not caught by this definition.¹²¹

A briefing on conversion therapy published by the Church of England said that problems in defining conversion therapy has led to

growing anxieties that a ban could outlaw forms of prayer which do not adopt a wholly affirmative approach to (for example) same sex attraction or gender reassignment.¹²²

The briefing said that the focus should be on coercive practices, although highlighted that distinguishing what was coercive and non-coercive could be challenging in religious settings, particularly “in a church where certain theological beliefs and ethical norms are espoused”.¹²³ It went on to say that “adults who hold these beliefs should be free to seek pastoral care or therapy

¹¹⁷ EHRC, [Response submitted to UK Government consultation: Banning Conversion Therapy](#), January 2022, p5

¹¹⁸ As above

¹¹⁹ EHRC, [Response submitted to UK Government consultation: Banning Conversion Therapy](#), January 2022, p6

¹²⁰ Evangelical Alliance, [NOW CLOSED: Have your say on the government’s consultation to ban conversion therapy](#) (accessed 31 January 2024)

¹²¹ As above

¹²² Church of England, [Briefing and reflections on Conversion Therapy](#), 8 February 2024, p4

¹²³ As above, p6

that does not violate these beliefs and helps them live well within the communities which they consider their own”.¹²⁴

Clinical independence

The General Medical Council (GMC), the UK statutory regulator for doctors, has said it was pleased the Government’s consultation proposals recognise the need to ensure a legislative ban does not “override the independence of clinicians to support patients who may be questioning if they are LGBT”.¹²⁵

It nevertheless urged the Government to consult doctors and their representative bodies during the process of legislating to ensure “legislation doesn’t prevent doctors from legitimate and ethical practice”.¹²⁶ The GMC does, however, state that conversion therapy “is something that no doctor could ethically provide”.¹²⁷

The Health and Care Professions Council (HCPC), the UK statutory regulator of healthcare and psychological professions, supports a conversion therapy ban and states “any practice which could be defined as conversion therapy would already fall outside of our standards”.¹²⁸ It said that a ban would not interfere with a healthcare professional’s duties:

From HCPC’s perspective, a ban on conversion therapy would not interfere with a healthcare professional’s ability to act in accordance with their professional judgment/duties. The actions of healthcare professionals already sit within parameters which would not justify the use of conversion therapy or any other practice which is not evidence-based, and which may cause harm to service users and patients.¹²⁹

The Academy of Medical Royal Colleges, a coordinating body for medical royal colleges and faculties, supports a conversion therapy ban and has said its position on this is not intended to discourage psychological and medical professionals from working with people questioning their sexuality or gender identity.¹³⁰ This aligns with the [memorandum of understanding on conversion therapy in the UK](#), signed by a wide range of healthcare organisations, which supports ending conversion therapy and states this position:

is not intended to deny, discourage or exclude those with uncertain feelings around sexuality or gender identity from seeking qualified and appropriate help. This document supports therapists to provide appropriately informed and ethical practice when working with a client who wishes to explore, experiences

¹²⁴ As above

¹²⁵ [GMC response to consultation on banning conversion therapy](#), GMC, 10 December 2021, p1

¹²⁶ As above

¹²⁷ As above

¹²⁸ [HCPC response to Government Equalities Office consultation on banning conversion therapy in England and Wales](#), 27 January 2022

¹²⁹ [HCPC response to Government Equalities Office consultation on banning conversion therapy in England and Wales](#), 27 January 2022, p2

¹³⁰ [Banning conversion therapy Academy statement](#) (PDF), Academy of Medical Royal Colleges, 9 February 2023

conflict with or is in distress regarding, their sexual orientation or gender identity.¹³¹

The British Medical Association, the trade union and professional body for doctors, said it believes people who are questioning their sexual orientation or gender identity should be offered therapeutic intervention, but that “talking conversion therapy has no benefits and is likely to be damaging to individuals in a vulnerable position”.¹³²

On 2 November 2023, the UK Council for Psychotherapy (UKCP) professional association released a statement on the law regarding gender-critical views and its implications for the practice of psychotherapy and psychotherapeutic counselling. The statement is informed by case law confirming that gender critical views are philosophical beliefs, protected by the Equality Act 2010.¹³³ The statement said therapists holding gender critical views may be more likely to use talking therapy, including open-ended discussion, rather than medical intervention such as puberty blockers, but that this “must not be conflated with conversion therapy”.¹³⁴ It said it is imperative that:

all underlying aspects to someone’s dysphoria are given the attention and exploration they deserve through professional psychotherapies, in order that the overall risks can be appropriately assessed prior to considering medical intervention¹³⁵

The British Psychological Society said that legislation or accompanying guidance should make it clear that ethical forms of therapy would not be affected by a ban, and that “a clear distinction needs to be made between conversion therapy and normal ethical practice”.¹³⁶

The relevance of consent

As framed in the consultation, the Government’s proposals would prohibit conversion therapy for under-18s in any circumstances and for over-18s who have not consented or are unable to. The EHRC has said that for consent to be valid it must be fully informed:

the Commission’s view is that a provider of what might be considered conversion therapy should supply the individual with information about the likely effectiveness of this treatment, and satisfy themselves that the person fully understands its implications and is consenting of their own free will, before valid informed consent can be deemed to have been given.¹³⁷

The EHRC highlighted the established approach in medicine to determine whether someone aged under 18 can consent to medical treatment, called

¹³¹ [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022

¹³² BMA, [The British Medical Association’s response to the Government Equalities Office consultation ‘Banning conversion therapy’](#), 2021, p3

¹³³ See [Forstater v CGD Europe & Anor \[2019\] UKET 2200909/2019](#)

¹³⁴ UKCP, [UKCP guidance regarding gender critical views](#), 2 November 2023

¹³⁵ As above

¹³⁶ [BPS Response to the Consultation on Banning Conversion Therapy](#), 2021, p2

¹³⁷ As above, p7

Gillick competence.¹³⁸ This approach considers that children under 16 can consent to medical treatment without their parents' consent if they have sufficient understanding and maturity to fully understand the consequences of the treatment. Those aged 16 and 17 are presumed in law to be competent to consent to medical treatment. The EHRC suggested that the Government's presumption that under-18s cannot consent should be given further consideration in light of this.¹³⁹

The Church of England has supported the view that non-vulnerable adults should be able to consent to conversion practices and argued that restricting the ability to provide informed consent would be incompatible with basic human rights. They have however cautioned that consent must be freely given, and highlighted the potential influence of faith communities in shaping the ability to consent:

Informed consent may be authentically given by individuals who belong to a community which holds views based on beliefs not shared by the majority of the population; the freedom to hold and teach such beliefs is a basic human right.

That said, leaders and ministers in such communities must always be vigilant to ensure that individuals are not in fact coerced or pressured into consenting to practices which violate their spiritual freedom or sexual or gender identity; consent to spiritual abuse cannot be legitimised.

In this respect, it is also important to consider the role of a local community of faith in shaping the ability to consent. Wider community pressures can lead an individual to feel coerced or as if there are no alternatives, leading them to seek prayer in ways that appear consensual but are coerced by this wider context.¹⁴⁰

Arguments that consent for conversion therapy cannot be freely given

Some organisations have argued that a prohibition of conversion therapy should not depend upon a lack of consent.

Galop, which describes itself as “the UK’s LGBT+ anti-abuse charity”, argues that consent should not make conversion therapy lawful because of the imbalanced power dynamics (for instance, parent and child, or community leader and member) within which the practice can take place.¹⁴¹ It argues that broader social and historical contexts may lead individuals to feel stigmatised, and they might consent based on a belief that their “identity is wrong or immoral”.¹⁴²

¹³⁸ [Children and young people -Consent to treatment](#), NHS website (accessed 31 January 2023); *Gillick v West Norfolk and Wisbech AHA* [1985] UKHL

¹³⁹ EHRC, [Response submitted to UK Government consultation: Banning Conversion Therapy](#), January 2022, p7

¹⁴⁰ Church of England, [Briefing and reflections on Conversion Therapy](#), 8 February 2024, p17

¹⁴¹ Galop, [Conversion Therapy Ban: Consultation response – December 2021](#), December 2021, p2

¹⁴² Galop, [Conversion Therapy Ban: Consultation response – December 2021](#), December 2021, p3

Similarly, the British Psychological Society voiced concerns about whether people can ever give their free consent in the context of conversion therapy, where they might be influenced by powerful social pressures or by people in positions of trust and authority.¹⁴³

The General Medical Council has also questioned whether conversion therapy could ever be freely consented to, given its association with coercion and the possibility of consent being affected by indirect “pressure from others” or a person’s “distorted beliefs about themselves and society’s expectations”.¹⁴⁴

These positions reflect views of the Scottish Government’s Expert Advisory Group on Ending Conversion Practices. Their [October 2022 report](#) said that the group did not believe a criminal offence of conversion therapy should allow a defence of consent:

In a context where a person is reliant on family, faith, or community leaders, and is led to believe that who they are is in some way wrong, they are vulnerable to coercion. This can include fear of violence, psychological oppression or abuse of power or through taking advantage of a coercive environment. As a result, it can appear that the person consents or agrees to engage in conversion practices in order to minimise discomfort or alienation within their community or family. This will affect different communities in different ways and may look different depending on contexts.¹⁴⁵

The mental health charity Mind has said that it is “not possible to achieve informed consent for conversion practices”.¹⁴⁶ Mind argues that conversion practices lead to psychological harm, and in therefore could be contrary to Article 3 of the [European Convention on Human Rights](#), which protects against torture and “inhuman or degrading treatment.”

Mind submits that it is not possible for someone legally to consent to treatment that would be within the scope of Article 3. This opinion is supported by the legal academics Ilias Trispiotis and Craig Purhouse, writing in the *Oxford Journal of Legal Studies*, who argue that because conversion therapy, in their view, constitutes cruel, inhuman or degrading treatment within the meaning of Article 3 “states are under a positive obligation to take effective measures to protect LGBTIQ+ persons from the harms of ‘conversion therapy’”, irrespective of whether those subjected to it have consented.¹⁴⁷

Others argue talking therapies are unlikely to meet the threshold of severity required to breach Article 3.¹⁴⁸

The Domestic Abuse Commissioner for England and Wales believes conversion therapy constitutes domestic abuse when carried out by a family

¹⁴³ [BPS Response to the Consultation on Banning Conversion Therapy](#), 2021, p4

¹⁴⁴ [GMC response to consultation on banning conversion therapy](#), GMC, 10 December 2021, p3

¹⁴⁵ Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022, p17

¹⁴⁶ Mind, [Mind response: Banning Conversion Therapy Consultation](#) (PDF), 4 February 2022, p5

¹⁴⁷ Ilias Trispiotis, Craig Purhouse, ‘[Conversion Therapy’ As Degrading Treatment](#), *Oxford Journal of Legal Studies*, Volume 42, Issue 1, Spring 2022, Pages 104–132

¹⁴⁸ For example, [Legal Advice: Private Member’s Bill to Prohibit Conversion Therapy](#), 29 November 2023

member or intimate partner. The Commissioner “strongly believes” that a person cannot consent to harm or abuse:

whether that is physical abuse or any other form of abuse as defined in the Domestic Abuse Act. The majority of victims appear to ‘consent’ to so-called conversion therapy and if the proposal continues with this consent loophole, the legislation will fail to protect the majority of future victims¹⁴⁹

Conversion therapy and gender identity

There is wide-ranging support for applying a conversion therapy ban to practices that seek to change a person’s gender identity.

The 2017 and 2022 update to the memorandum of understanding [signed by a range of UK health organisations](#), including NHS England, Scotland and Wales, opposes conversion therapy in respect both of sexual orientation and gender identity.¹⁵⁰ Other healthcare stakeholders – including the Academy of Medical Royal Colleges, the Health and Care Professions Council,¹⁵¹ the British Medical Association,¹⁵² and the British Psychological Society¹⁵³ – also support prohibiting conversion therapy to change someone’s gender identity.

The LGBT+ charity Stonewall has strongly advocated that the ban of conversion therapy should extend to practices that seek to change or suppress a person’s gender identity. It also states that therapies that do not have a preferred outcome for someone’s gender identity should not be banned:

Government should make clear, either directly in legislation or in statutory guidance accompanying a Bill, that gender transition services, gender transition healthcare and legitimate and explorative gender identity therapy (i.e. therapy which accepts a person’s autonomous understanding of themselves without a predetermined or preferred outcome) are not forms of conversion therapy and therefore would not be an offence under its proposals.¹⁵⁴

However, this position is not universal, and the issue is highly controversial. Some argue that the prohibition should only extend to sexual orientation conversion therapy.

The charity LGB Alliance says the Government should focus its efforts on banning conversion therapy relating to sexual orientation and delay any prohibition of conversion therapy relating to gender identity.¹⁵⁵ It contends

¹⁴⁹ Domestic Abuse Commissioner, [Government Conversion Therapy Consultation: Written submission from the Domestic Abuse Commissioner for England and Wales](#), 2022, p2

¹⁵⁰ [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022

¹⁵¹ [HCPC response to Government Equalities Office consultation on banning conversion therapy in England and Wales](#), 27 January 2022, p2

¹⁵² BMA, [The British Medical Association’s response to the Government Equalities Office consultation ‘Banning conversion therapy’](#), 2021

¹⁵³ [BPS Response to the Consultation on Banning Conversion Therapy](#), 2021, p2

¹⁵⁴ Stonewall, [Consultation response: Banning conversion therapy, 2022](#), p14, para 74

¹⁵⁵ [LGB Alliance’s Response to the Government Consultation on Banning Conversion Therapy](#), LGB Alliance (accessed January 2024)

that banning conversion therapy relating to gender identity could “cause more harm than good”, because it could amplify “the notion that children who have gender dysphoria can change their sex, or should begin to do so, before they are fully adult”.¹⁵⁶ In its view, the Government should prepare a separate bill to prohibit conversion therapy relating to gender identity, subject to its own pre-legislative scrutiny.¹⁵⁷

The EHRC has said that specific consideration should be given to “whether a differentiated approach to what constitutes conversion therapy in relation to sexual orientation and being transgender is required”.¹⁵⁸ It has also expressed concern that healthcare services and transgender people may be affected by the debate around a conversion therapy bill, and that this may lead them to doubt “their ability to continue to provide support to people experiencing gender dysphoria”. The EHRC therefore recommends that the Government work with “the NHS and relevant professional bodies to mitigate this potential impact”.¹⁵⁹

[Legal advice produced by Jeremy Hyam QC](#) concluded a ban on conversion therapy that extended to gender identity in children would have a substantial risk of unlawfulness.¹⁶⁰ This was because it was potentially incompatible with various human rights, principally the Article 8 right to a private and family life:

To legislate to ban any treatment designed to change, cancel, convert or suppress gender identity would clearly prohibit or deter such treatment being given by clinicians and care-givers even though such treatment e.g. watch and wait,¹⁶¹ talking therapy etc. is ethically based, supported by respectable medical literature and the child or adult is willing to receive it. Legislation which prohibits such treatment may well be unlawful/declared incompatible, because it is a disproportionate and interference with the Article 8 (or related) rights of the individual patient who may otherwise be entitled to seek and obtain such treatment or counselling. There is also a real question whether the evidence base for the ban (concerning gender identity in particular) would be sufficiently cogent for such a ban to be in accordance with law¹⁶²

It is partly due to related concerns, about the effect of a conversion therapy ban on gender dysphoria treatment in children, that several stakeholders advocate waiting for the outcome of the [Cass Review](#) before legislating. The Cass Review – or the Independent Review of Gender Identity Services for Children and Young People – was commissioned by the NHS in 2020, to make recommendations about NHS services to children and young people

¹⁵⁶ As above

¹⁵⁷ As above

¹⁵⁸ As above

¹⁵⁹ EHRC, [Response submitted to UK Government consultation: Banning Conversion Therapy](#), January 2022, p14

¹⁶⁰ Jeremy Hyam QC, [Advice in respect of proposed legislation on “conversion therapy”](#) (PDF), 2021

¹⁶¹ An approach which allows the pubertal process in children to take effect, to see whether that affects gender dysphoria

¹⁶² As above, pp27-28

questioning their gender identity. The Cass Review [published its interim report in February 2022](#); the final report is still awaited.¹⁶³

‘Modern conversion therapy’

Several commentators have drawn attention to what they describe as ‘modern conversion therapy’, referring to gender-affirming medical interventions. The gender-critical civil society organisation Sex Matters has described this as medical or surgical treatment modifying sexual characteristics, where the person undergoing the treatment does not understand its implications or is under 18.¹⁶⁴

Groups that oppose these practices highlight that decisions to alter sexual characteristics – for example, puberty-suppressing hormones and mastectomies – can have irreversible consequences. They argue that young, vulnerable or ill-informed individuals are being provided with medical or surgical treatment to modify their sexual characteristics without fully appreciating their implications. They contend that these individuals are properly characterised as “victims of a modern form of “conversion therapy””.¹⁶⁵

Advocates of banning ‘modern conversion therapy’ argue that a conversion therapy ban as proposed in the Government’s consultation could cause clinicians to be fearful when discussing gender identity, predisposing them towards supporting gender reassignment without fully and freely exploring the reasons a person may have for seeking this.

In respect of children, case law has established that under-16s can potentially consent to puberty blocking treatment,¹⁶⁶ or parents can on their behalf where a Gillick-competent child has not made a decision about treatment due, for example, to feeling too overwhelmed by the decision.¹⁶⁷ Some argue that this, coupled with the ‘chilling effect’ of a conversion therapy ban on talking therapies, could result in people undergoing treatment for the purpose of reassigning their gender without fully appreciating the potentially irreversible consequences.

During a [debate in the House of Commons on gender recognition](#) on 6 December 2023, the Minister for Women and Equalities expressed similar concerns:

the threat to many young gay people is not conversion relating to their sexuality, but conversion relating to gender identity. Girls such as Keira Bell, who was rushed on to puberty blockers by the NHS and had a double mastectomy, now regret the irreversible damage done to them. I believe that this is a new form of conversion therapy. Respected clinicians, such as those who left

¹⁶³ Independent review of gender identity services for children and young people: Interim report, 2022

¹⁶⁴ Sex Matters, [Policy proposal: Legislation to ban modern conversion therapy](#), October 2023, p12

¹⁶⁵ Sex Matters, [Policy proposal: Legislation to ban modern conversion therapy](#), October 2023, p5

¹⁶⁶ *Bell & Anor v The Tavistock and Portman NHS Foundation Trust* [2021] EWCA Civ 1363

¹⁶⁷ *AB v CD & Ors* [2021] FWHC 741 (Fam), para 114

Tavistock, have made clear that they are fearful of giving honest clinical advice to a child because if they do not automatically affirm and medicalise a child's new gender, they will be labelled transphobic. Any Bill needs to address many of those issues, and that is why we are going to publish a draft Bill¹⁶⁸

The British Medical Association has cautioned against extending conversion therapy legislation to apply to gender transition services. They state that:

The government should make it clear, either directly in legislation or in guidance accompanying a Bill, that gender transition services, gender transition healthcare, and legitimate and explorative gender identity therapy are not forms of conversion therapy and therefore would not be an offence under its proposals.¹⁶⁹

Some commentators have argued that a desire to change gender can be associated with sexuality, and that gender dysphoria may in some cases be an expression of internalised homophobia or misogyny. Therefore, a gay man or woman who does not conform to usual expectations of masculinity or femininity might seek to change their gender identity to align with a heteronormative conception of sexuality.¹⁷⁰

Some, therefore, resist legislative proposals that they argue would insulate these heteronormative beliefs from being challenged. [During a debate on conversion practices](#) on 6 December 2023, Neale Hanvey MP expressed these concerns, arguing that a ban on conversion therapy could have the unintended effect of “erasing gay identities”.¹⁷¹

¹⁶⁸ [Gender Recognition](#), 6 December 2023, c371

¹⁶⁹ BMA, [The British Medical Association's response to the Government Equalities Office consultation 'Banning conversion therapy'](#), 2021, p5

¹⁷⁰ The European Institute for Gender Equality [defines heteronormativity](#) as “Heteronormativity is what makes heterosexuality seem coherent, natural and privileged. It involves the assumption that everyone is ‘naturally’ heterosexual, and that heterosexuality is an ideal, superior to homosexuality or bisexuality.”

¹⁷¹ [Conversion Practices](#), 6 December 2023, c84WH

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