



HL Bill 5 of 2023–24

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

Date published: 1 February 2024

The House of Lords is scheduled to debate the [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#) at second reading on 9 February 2024. The bill is a private member's bill sponsored by Baroness Burt of Solihull (Liberal Democrat).

The bill would ban conversion therapy.¹ The Parliamentary Office for Science and Technology (POST) explains:

‘Conversion therapy’ doesn’t have a settled definition but refers broadly to a range of practices that seek to change, ‘cure’ or suppress a person’s sexual orientation or gender identity. [...] practices range from psychological treatments and spiritual counselling, which are legal in the UK, to sexual violence and electric shock therapy, which are illegal in the UK.²

The government has previously committed to banning conversion therapy but has cited complexities including a desire to avoid criminalising exploratory conversations, therapies and religious counselling. Baroness Burt has stated that this bill would criminalise practices only when there is an assumption of a preferable sexual

¹ There is debate around the use of the term ‘conversion therapy’. In this publication, conversion therapy is used throughout, reflecting the bill’s wording.

² Parliamentary Office of Science and Technology, [‘Conversion therapy’](#), 16 December 2021.





orientation or gender identity by the practitioner.

On 6 December 2023, a private member's bill on the same subject, the [Conversion Practices \(Prohibition\) Bill](#), was introduced in the House of Commons by Alicia Kearns (Conservative MP for Rutland and Melton) on behalf of Lloyd Russell-Moyle (Labour (Co-op) MP for Brighton Kemptown). Second reading of this bill is scheduled to take place on 1 March 2024.

I. What would the bill do?

The bill has one substantive clause, which sets out the ban on conversion therapy.

Clause 1 would make it an offence to provide or offer any therapy which seeks to change a person's sexual orientation or gender identity. In the bill conversion therapy is defined as "any practice aimed at a person or group of people which demonstrates an assumption that any sexual orientation or gender identity is preferable to another".

A person convicted of this offence could receive an unlimited fine.³

Clause 2 provides for the bill to apply to the whole of the UK and sets out commencement and title provisions.

³ Sentencing Council, '[Maximum fines](#)', accessed 27 November 2023.



On the purpose of the bill, Baroness Burt said:

Conversion ‘therapy’ is an abhorrent practice which seeks to suppress or change a person’s sexual orientation or gender identity. The way this is done can vary: from physical abuse and exorcisms to insidious talking therapies or religious intervention.

The fact these practices are still legal—despite cross-party consensus that they shouldn’t be—is shameful. That is why I have decided to bring forward legislation to ban all conversion therapy practices across the UK. To do this, my bill will make it an offence for any person to practise, or offer to practice, conversion therapy.

Of course, 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 comprehensive, clear and inclusive of all LGBT+ [lesbian, gay, bisexual, transgender and other identities] people.⁴

⁴ This text was supplied directly to the House of Lords Library.



2. What is the context of the potential ban?

2.1 Prevalence and impact

The Parliamentary Office of Science and Technology (POST) has reviewed available research on the prevalence and nature of conversion therapy.⁵ There is limited data available, but POST states that the best available scientific research suggests that there is evidence of “serious harm” associated with conversion therapy.⁶ POST also indicates there is little robust evidence that conversion therapy can change a person’s sexual orientation or gender identity; however there is limited evidence that conversion therapy may lead to some people being less likely to act on same-sex attraction.⁷

Theresa May’s government undertook a national survey to gather information about the experiences of LGBT (lesbian, gay, bisexual and transgender) people in 2017. It was “the largest national survey of LGBT people in the world to date” with over 108,000 participants.⁸

The survey said that 2.4% of respondents had undergone conversion therapy at some point in their life and a further 5% had been offered it. 51% of those who received conversion therapy said it had been conducted by faith groups and 19% by healthcare providers or medical professionals. Transgender respondents were more likely to have undergone or been offered conversion therapy than

⁵ Parliamentary Office of Science and Technology, [‘Conversion therapy’](#), 16 December 2021.

⁶ As above, p 2.

⁷ As above.

⁸ Government Equalities Office, [‘National LGBT survey: Research report’](#), 3 July 2018 (last updated 7 February 2019).



respondents who were not transgender.⁹ The survey was promoted in various ways by the Government Equalities Office and stakeholders, including at national LGBT pride events and on social and national media. Respondents were self-selected. Conversion therapy was defined in the survey questions as any attempt to ‘cure’ a person of being LGBT.¹⁰

The government reviewed the survey results in 2021 and weighted the data. The weighted results were similar, with the number of people who said they had been offered conversion therapy rising by 0.4% to 2.9%.¹¹

2.2 Government LGBT action plan

The government published an ‘[LGBT action plan](#)’ in 2018.¹² One of the key actions listed was “bringing forward proposals to end the practice of conversion therapy in the UK”. The action plan stated:

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 to protect people who are vulnerable to harm or violence, whether that occurs in a medical, commercial or faith-based context. We are not trying to prevent LGBT people from seeking legitimate medical support or spiritual support from their faith leader in the exploration of their sexual orientation or gender identity.

⁹ As above.

¹⁰ Parliamentary Office of Science and Technology, ‘[Conversion therapy](#)’, 16 December 2021, p 1.

¹¹ Government Equalities Office, ‘[The prevalence of conversion therapy in the UK](#)’, 29 October 2021.

¹² Government Equalities Office, ‘[LGBT action plan 2018: Improving the lives of lesbian, gay, bisexual and transgender people](#)’, 3 July 2018.



2.3 2021 Queen's speech and consultation

In the May 2021 Queen's Speech, Boris Johnson's government said that it would pursue a ban on conversion therapy.¹³ It added it was "determined" for the UK to continue as a "global leader in lesbian, gay, bisexual and transgender (LGBT) equality".¹⁴

In October 2021, the government opened a public consultation on its proposed legislation for banning conversion therapy.¹⁵ The government stated that the existing criminal law framework applied to conversion therapy involving physical or sexual violence, but "gaps" had been identified.¹⁶ Proposals included:

- legislating to ensure that judges consider conversion therapy an aggravating factor when sentencing for physical acts
- criminalising talking conversion therapy for under 18s and adults who have not consented or cannot consent
- introducing a range of measures including conversion therapy protection orders, victim support, restricting promotion and profit streams, and strengthening the case for disqualification from holding a senior role in a charity for perpetrators

The government said that responses would inform draft legislation to be prepared by spring 2022, which would then be introduced "when parliamentary time allows".¹⁷ The government published three research reports on the subject alongside the consultation launch:

¹³ Prime Minister's Office, '[Queen's Speech 2021: Background briefing notes](#)', 11 May 2021, p 117.

¹⁴ As above.

¹⁵ Government Equalities Office, '[Banning conversion therapy](#)', 9 December 2021.

¹⁶ As above.

¹⁷ As above.



[‘The prevalence of conversion therapy in the UK’](#), [‘Conversion therapy: An evidence assessment and qualitative study’](#), and [‘An assessment of the evidence on conversion therapy for sexual orientation and gender identity’](#).¹⁸ It later pushed back the consultation closing date by eight weeks to “ensure the widest possible views are taken into account”.¹⁹ At the time of writing, the consultation page notes that the government is currently analysing feedback and has not yet published a formal response.

Some organisations have published their own submissions to the government’s consultation, or guidance for their members’ or supporters’ responses. Organisations came from a range of sectors and had varied views.²⁰ Some organisations supported a ban in principle, but objected to the government’s option for people over-18 to consent to therapies.²¹

Some responses came from religious groups,²² with the General Synod broadly supporting the government’s proposals, while emphasising “the need for any definition [of conversion therapy] to be proportionate and effective”,²³ while others expressed concerns that creating an offence related to talking conversion therapy could impede religious counselling, including where religious teachings or

¹⁸ Government Equalities Office, [‘Conversion therapy: Consultation and research reports’](#), 29 October 2021.

¹⁹ Government Equalities Office, [‘Government extends consultation to help shape future conversion therapy legislation’](#), 9 December 2021.

²⁰ The following examples do not constitute an exhaustive list.

²¹ British Association for Counselling and Psychotherapy, [‘Views on banning conversion therapy’](#), 4 February 2022; BMA, [‘The British Medical Association’s response to the Government Equalities Office consultation ‘Banning conversion therapy’](#)’, accessed 18 January 2024; Humanists UK, [‘Government Equalities Office consultation: Banning conversion therapy’](#), January 2022; Mermaids, [‘Response to the Government Equalities Office open consultation on ‘Banning conversion therapy’](#)’, 17 January 2022; and Mind, [‘Conversion ‘therapy’ ban’](#), 4 February 2022.

²² For example: Quakers in Britain, [‘Quakers back ban on conversion therapy’](#), 8 December 2021.

²³ General Synod, [‘Questions: Government consultation on conversion therapy’](#), February 2022.



personal faith conflicted with same-sex attraction.²⁴

Concerns were also expressed about talking therapies in relation to gender identity, with some organisations concerned that LGB young people could be encouraged in adopting trans identities.²⁵ The Equality and Human Rights Commission also emphasised the importance of a clear legal definition of conversion therapy, while supporting a ban initially for sexual orientation, and later for gender identity following “more detailed evidence-based proposals”.²⁶

2.4 Potential exclusion of gender identity from ban on conversion therapy

In March 2022, a Downing Street briefing document acquired by ITV News indicated that the then prime minister, Boris Johnson, had agreed that the government would not take forward legislation to ban conversion therapy.²⁷ A spokesperson said that the government would be reviewing ways to stop conversion therapy through existing law. This attracted criticism from some LGBT+ groups and MPs. Following this, the government said it would ban conversion therapy for just sexual orientation, not gender identity.²⁸

²⁴ The Christian Institute, '[UK govt conversion therapy consultation](#)', December 2021; Evangelical Alliance, '[Have your say on the government's consultation to ban conversion therapy](#)', accessed 19 January 2024; and Strong Support, '[UK government consultation on banning conversion therapy](#)', 2 November 2021.

²⁵ LGB Alliance, '[LGB Alliance's response to the government consultation on banning conversion therapy](#)', accessed 18 January 2024; and Sex Matters, '[Response to the government consultation banning conversion therapy](#)', 4 February 2022.

²⁶ Equality and Human Rights Commission, '[Response submitted to UK government consultation: Banning conversion therapy](#)', January 2022.

²⁷ Paul Brand, '[Exclusive: Government ditches ban on conversion therapy, according to leaked document](#)', ITV News, 31 March 2022.

²⁸ BBC News, '[Conversion therapy: Ban to go ahead but not cover trans people](#)', 1 April 2022.



The May 2022 Queen’s Speech included a commitment to bring forward a bill to ban the practice of conversion therapy for sexual orientation and the background briefing notes include an intention to carry out “separate work to consider the issue of transgender conversion therapy further”.²⁹

A petition to ‘[Ensure trans people are fully protected under any conversion therapy ban](#)’ gained 149,167 signatures. The government responded to the petition on 12 May 2022:³⁰

There are different considerations when it comes to transgender conversion therapy and the government remains committed to exploring these.

One of the complexities is that those who experience gender dysphoria may seek talking therapy. It is vital that legitimate support is not inadvertently impacted. [...]

We continue to engage with stakeholders from LGBT, faith and medical backgrounds to ensure that our proposals and services are effective and well understood.

We will bring forward a ban that protects everyone from attempts to change their sexual orientation as soon as parliamentary time allows.

²⁹ Prime Minister’s Office, ‘[Queen’s Speech 2022: Background briefing notes](#)’, 10 May 2022, p 128.

³⁰ UK Parliament Petitions, ‘[Ensure trans people are fully protected under any conversion therapy ban](#)’, 12 May 2022.



2.5 Recent government position

In January 2023 the government announced that it intended to publish a draft bill, which would “set out a proposed approach to ban conversion practices” and be designed to apply in England and Wales.³¹ The statement added that the bill would “protect everyone, including those targeted on the basis of their sexuality, or being transgender”, confirming the draft bill would cover gender identity. The statement also said the bill would be published “shortly” to allow for “pre-legislative scrutiny by a joint committee in this parliamentary session”.³²

During a debate on hate crime against the LGBT+ community in the House of Commons on 18 October 2023, the government said it remained committed to a ban on conversion therapy but could not give a timeframe.³³

There was no mention of a ban on conversion therapy in the 2023 King’s Speech. In the debate following the speech in the House of Lords, Home Office Minister Lord Sharpe said:³⁴

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.

³¹ House of Commons, [‘Written statement: Online safety update \(HCWS500\)’](#), 17 January 2023.

³² As above.

³³ [HC Hansard, 18 October 2023, cols 121–40WH](#).

³⁴ [HL Hansard, 8 November 2023, col 140](#).

On 6 December 2023, the minister for women and equalities, Kemi Badenoch, restated the commitment to produce a draft for pre-legislative scrutiny.³⁵ She said:

Attempts at so-called conversion therapy are abhorrent and are largely already illegal, so a bill would identify those practices as a particular threat to gay people and confirm the illegality of harmful processes intended to change someone’s sexuality.

Ms Badenoch also said that the issue had developed since the bill was first promised, and the draft bill should encompass conversion related to “automatically affirm[ing]” trans identities:

Now, 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 Tavistock,³⁶ 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 bill.

The Cass Review, an independent review of gender and identity services for children and young people, is expected to report in early 2024, following an interim report published in February 2022.³⁷

³⁵ [HC Hansard, 6 December 2023, col 371.](#)

³⁶ The [Tavistock and Portman Trust](#) is a specialist NHS mental health trust.

³⁷ [HC Hansard, 6 December 2023, col 371.](#)



2.6 Positions of other UK parties and assemblies

The Labour Party has said it would introduce a “full and immediate trans-inclusive ban on conversion therapy, protecting legitimate talking therapies but closing any consent loopholes that are put in the statute book in the meantime”.³⁸

Responding to a press request for their position, Plaid Cymru, the Green Party, the Scottish Greens, Alliance and the Liberal Democrats expressed support for a ban on conversion therapy that includes gender identity.³⁹

The SDP, Reform UK and the Reclaim Party are all signatories to a [‘Declaration for biological reality’](#), that asserts, “nobody is born in the wrong body” and “exploratory therapy” should be protected.⁴⁰

A non-binding motion passed in Stormont in 2021 calling for a ban on conversion therapy. It was proposed by the UUP and supported by Sinn Fein, Alliance and the SDLP. The DUP sought to amend the wording to protect “legitimate religious activities”.⁴¹

The SNP has stated that “if the UK Government does not take action, we will bring forward our own legislation insofar as is possible within the powers of the Scottish Parliament”.⁴² The Scottish

³⁸ [HC Hansard, 18 October 2023, cols 135–6.](#)

³⁹ Pink News, [‘We asked every major UK political party about trans rights—here’s who responded’](#), 20 November 2023.

⁴⁰ Various organisations, [‘Declaration for biological reality’](#), accessed 4 December 2023.

⁴¹ BBC News, [‘Gay conversion ban: Therapy is a ‘humiliating and harmful practice’](#), 20 April 2021.

⁴² SNP, [‘What actions are the SNP taking to ensure there is no discrimination against people based on their sexual orientation?’](#), accessed 27 November 2023.



government is running a consultation on proposed measures until 2 April 2024.⁴³

The Welsh government has commissioned legal advice “to establish exactly what powers already exist in Wales in order to seek the devolution of any additional powers needed to ban conversion therapy in its entirety”.⁴⁴

2.7 Bans in other jurisdictions

In a Westminster Hall debate on conversion therapy Minister for Equalities Stuart Andrew said that the government was looking at legislation from other jurisdictions:

Yes, other countries may have introduced it, but how many prosecutions have they brought? Does the legislation cover the issue in the way that was intended? That is why we are considering other legislation carefully, to see what we can learn from it and get it right.⁴⁵

There are national and subnational bans in place in various jurisdictions around the world. There is wide variation in their definitions of conversion therapy and the scope of their bans.⁴⁶ In Europe, for example, France, Germany, Greece, Malta and some regions of Spain have all legislated, but specifics vary on which

⁴³ Scottish Government, '[Ending conversion practices in Scotland: Consultation](#)', 9 January 2024.

⁴⁴ Welsh Government, '[Survivors of 'conversion therapy' among expert group helping advise Welsh Government on actions to ban "abhorrent" practice in Wales](#)', 17 January 2023.

⁴⁵ [HC Hansard, 6 December 2023, col 100WH](#).

⁴⁶ European Parliament, '[Bans on conversion 'therapies': The situation in selected EU member states](#)', June 2022; and Government Equalities Office, '[Appendix 3: Measures taken by country](#)', Conversion therapy: An evidence assessment and qualitative study, 29 October 2021.



practitioners and individuals laws apply to, whether adults can consent, and what sanctions could be enacted. For example in the Spanish regional laws, sanctions can include closing the institution where conversion therapy was carried out for three to five years. In France, healthcare professionals can lose their licence to practice for up to 10 years.⁴⁷

Other countries have been described as having ‘de facto bans’ for healthcare professionals, where professional regulators have banned their members from practicing conversion therapy. This is the case in Switzerland and Albania.⁴⁸

3. Read more

- BBC News, [‘Conversion therapy ban tabled by Lib Dem peer’](#), 20 November 2023
- Alastair James, [‘Baroness Burt ‘over the moon’ new ‘conversion therapy’ ban bill to be debated’](#), Attitude, 10 November 2023
- Parliamentary Office of Science and Technology, [‘Conversion therapy’](#), 16 December 2021
- House of Commons Women and Equalities Committee, [‘The government’s consultation on conversion therapy: Oral evidence transcripts’](#), November 2021
- Government Equalities Office, [‘Conversion therapy: Consultation and research reports’](#), 29 October 2021

⁴⁷ As above.

⁴⁸ As above.

About the Library

A full list of Lords Library briefings is available on the Library's website.

The Library publishes briefings for all major items of business debated in the House of Lords. The Library also publishes briefings on the House of Lords itself and other subjects that may be of interest to members.

Library briefings are produced for the benefit of Members of the House of Lords. They provide impartial, authoritative, politically balanced information in support of members' parliamentary duties. They are intended as a general briefing only and should not be relied on as a substitute for specific advice.

Every effort is made to ensure that the information contained in Lords Library briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Disclaimer

The House of Lords or the authors(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice. The House of Lords accepts no responsibility for any references or links to, or the content of, information maintained by third parties.

This information is provided subject to the conditions of the Open Parliament Licence.

Authors are available to discuss the contents of the briefings with Members of the House of Lords and their staff but cannot advise members of the general public.

Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to hlresearchservices@parliament.uk.