

Conversion Practices PMB Consultation Response

Introduction

This response has been drafted by the Ban Conversion Practices Coalition, comprised of LGBTQIA+ and other human rights organisations, to assist individuals in responding to the consultation on Eóin Tennyson MLA's Private Members' Bill on banning conversion practices. The Coalition includes:

The Rainbow Project; Here NI; Cara-Friend; the Belfast Trans Resource Centre; Mermaids NI; Women's Resource and Development Agency; Women's Policy Group; Inclusive Faith; Women's Support Network; Alliance for Choice; Reclaim the Agenda; Show Some Love Ltd, Another World Belfast CIC; and others.

Conversion practices (or so called 'conversion therapies') are acts which deliberately try to change or suppress a person's sexual orientation and/or gender identity. They are based on the belief that it is better to be heterosexual and/or cisgender, and that other sexual orientations and gender identities are somehow flawed, wrong or "broken".

These practices come in a wide range of forms, from pseudo-psychological treatments (hence the term 'conversion therapies') to acts that take place in the home, and practices that are religious or spiritual in nature. Sometimes they are carried out by an individual, but they can also involve wider communities, friends and/or family members. At their most extreme, conversion practices can involve physical and sexual violence.

Research undertaken over the last decade has attempted to establish both the scale and the impact of conversion practices in the UK and Ireland, as well as around the world. The UK Government's National LGBT Survey¹ found that 5% of LGBTQIA+ people across the UK had been offered or undergone conversion practices; this figure rose to 12% when looking specifically at Northern Ireland. Research commissioned by Stonewall² provides a more recent outline the prevalence of conversion practices in Great Britain, with one in five LGBTQIA+ Britons experiencing physical violence aimed at changing their sexual orientation or gender identity, and over one in ten experiencing 'pseudo-scientific counselling' with the same aim.

¹ UK Government (2018) - [National LGBT Survey](#)

² Stonewall (March 2024) - [New research reveals alarming scale of conversion practices in Great Britain](#)

Recent research into conversion practices in Northern Ireland, commissioned by Cara-Friend, HEReNI, The Rainbow Project and Transgender NI supported by funding awarded by the Department for Communities (DfC), 'A Study of Conversion Practices in Northern Ireland'³, was published in May 2024. Conducted and authored by Prof. Fidelma Ashe and Dr Danielle Mackle, the research explored the experiences of 10 individuals who had undergone some form of conversion practices within the past decade. It also unpacked the contexts within which these practices were carried out, the impact on those subjected to them, and recommended a comprehensive and inclusive ban.

While local polling has not been conducted on this issue, there is widespread support for the ban across the UK. Two thirds of Britons (65%) say conversion therapy targeting sexual orientation should be banned, with 62% saying the same of conversion therapy targeting gender identity.⁴ Only 14% were opposed to each kind of conversion therapy. MLAs have previously expressed their support for the ban, with a motion passing in 2021⁵ in favour of a ban and one passing in May last year⁶, both of which called for an inclusive and comprehensive ban.

The Ban Conversion Practices Coalition supports the development of this Private Members' Bill, and encourages responses from LGBTQIA+ individuals and allies to ensure the legislation is free from loopholes or exemptions, and adequately captures the ways in which conversion practices are promoted and conducted here in Northern Ireland.

Questions Breakdown

Defining Conversion Practices

[The LGBTQIA+ Strategy Expert Panel](#) defined conversion practices as 'techniques intended to change or suppress someone's sexual orientation or gender identity', recognising that this includes attempts to stop someone expressing their sexual orientation or gender identity. It is proposed that the Bill will adopt a similar definition.

3. Do you agree or disagree that legislation is necessary to ban conversion practices?

Agree

Please state the reason for your answer (optional)

³ F Ashe and D Mackle (2024) - [A Study of Conversion Practices in Northern Ireland](#)

⁴ YouGov (2022) - [Most Britons want conversion therapy banned, including that aimed at transgender people](#)

⁵ [NI Assembly Motion: Conversion Therapy \(April 2021\)](#)

⁶ [NI Assembly Minutes of Proceedings \(4th June 2024\)](#)

A ban on conversion practices in Northern Ireland is not only necessary, but long overdue.

As referenced above, Northern Ireland as a region has the highest rate of individuals being offered or having undergone conversion practices across the UK at around 12%.⁷

Existing legislation, while able to capture more extreme cases of conversion practices involving physical and sexual violence, is currently unable to capture more insidious forms of the practice, particularly where the majority of these practices occur: at home, in the community, and in churches or religious settings.

The majority of those who are subjected to conversion practices experience talking therapies, coercive prayer, or pseudo-psychological interventions in non-medical settings. 80% of the individuals in the recent 'Study of Conversion Practices in Northern Ireland' report, and around 50% of those who responded to the UK Government's National LGBT Survey, stated that they experienced these practices in religious settings, mostly through talking therapies, prayer and occasionally instances involving exorcisms.

These practices are not adequately covered by the law and require a specific legislative ban to capture all forms of conversion practice as they are currently carried out.

Moreover, banning conversion practices can bring diverse legislation under a single law. As the German parliament noted in its rationale for bringing forward a conversion practices ban, a single Bill allows the bundling of protections rather than having them distributed across several different laws. It noted that the injustice of conversion practices lies in their effects on the self-determination and impairment of LGBTQIA+ people's health and concluded that existing criminal law does not do this aspect justice.

4. Do you support an approach to defining conversion practices which covers 'techniques intended to change or suppress a person's sexual orientation or gender identity'?

Yes

The language in this definition is important for a number of reasons. Firstly, the inclusion of both 'sexual orientation' and 'gender identity' is vital to ensure that all LGBTQIA+ people, regardless of their identity, are covered under any ban. This should include trans people of all genders, as well as individuals of any sexual orientation, including those who are asexual. Existing international legislation across Europe and beyond has incorporated this comprehensive coverage of sexual orientation and gender identity.

⁷ Ibid; UK Government (2018) - [National LGBT Survey](#)

Additionally, the language of 'change or suppress' is vital in recognising the reality of how conversion practices are delivered. Many instances of these practices focus not necessarily on 'turning someone heterosexual/cis', but on encouraging and coercing an individual into suppressing their LGBTQIA+ identity and not acting on it. For instance, this may include encouraging lifelong celibacy for the purposes of suppressing an individual's same-sex attraction.

Attempts to change or suppress a person's sexual orientation or gender identity can be equally damaging and have lifelong effects. One woman - who has decided to anonymously share her story with the coalition to raise awareness of the harm of conversion practices - stated: "it's ten years later and it still has a massive impact - it is definitely a factor in how bad I feel at the moment."

These practices have also had an impact on her current relationships: "I don't date girls now - because that inner voice is always there - I don't think that will ever go away. This all goes on in my head when I start a relationship - this is why I am still single." She added, "I would give anything to be straight. I hate the way I am," demonstrating the profound and long lasting impact on individuals subjected to conversion practices, even a decade after they were carried out.

The Ban Conversion Practices Coalition, therefore, supports this definition in advocating for a loophole free, comprehensive ban to ensure that no one has to experience conversion practices and suffer the subsequent lifelong effects.

Offence of Engaging in Conversion Practice

The proposed Bill would create a new offence of engaging in conversion practices whereby all of the following elements apply:

Intent: the individual accused of engaging in conversion practices did so with the intention that the sexual orientation or gender identity of the victim would be suppressed or changed.

Acts: that either the provision of a service or a course of coercive behaviour took place.

Victim: that the service or course of behaviour pertains to a specific, identified individual.

Harm: that the act has caused the individual physical or psychological harm.

Defence: the accused person has a defence if their conduct was reasonable in the circumstances.

5. Do you agree or disagree with an approach that creates a new criminal offence of engaging in conversion practice?

Agree

Globally, many countries have made engaging in conversion practices a criminal offense, including 8 EU member states. People in Northern Ireland must have similar legal protection. Creating a new criminal offence is vital - both for ensuring perpetrators are brought to justice, and also to send a strong message that these practices are unacceptable.

There is currently no stand-alone criminal offence for engaging in conversion practices. While some types of conversion practices, where they take the form of physical or sexual violence or domestic abuse, may be covered under existing legislation, a standalone offence is long overdue to ensure that these practices, whatever they look like, are reduced and eventually eliminated.

It's important, however, that the criteria for establishing whether an incident falls foul of this offence is not too high a bar to reach, particularly when it comes to defining the 'harm' that is caused. It's worth recognising the different forms of harm addressed here - both physical and psychological - and how those would be assessed and defined in a court of law.

As we argue, all conversion practices are harmful and will, by their nature, cause the individual physical or psychological harm. However, the idea that the victim would have to 'prove' that the act has caused them physical or psychological harm is controversial. In cases of domestic abuse or common assault the act itself is deemed an offence, regardless of what impact it had on the individual. Trying to 'prove' harm has the potential to re-traumatise the victim, and undermines the fact that the practice itself is wrong and harmful.

Overall, the creation of an offence sends a clear signal that conversion practices are wrong and have no place in society, while also providing recourse to justice for victims of these practices. It will also assist in gathering data on how prevalent these practices are within our society.

6. Do you agree or disagree with the proposal that the offence will cover provision of a service intended to suppress or change an individual's sexual orientation or gender identity?

This will address situations whereby a conversion practice is undertaken by a person who claims to have particular knowledge, skill or expertise and where the act is purported to be delivered as a method to effect a change or suppression. For example, counselling, talking therapy, coaching or instructing, or a purported treatment.

Agree

Please state the reason for your answer.

A significant proportion of conversion practices take place within an organisation or service based in the community, such as a youth service or a

pseudo-psychotherapeutic organisation. It is vital that the law can capture all the ways in which these practices may occur, including in a community organisation through the provision of a service.

While some people may benefit from the support of psychotherapy and counselling to help them manage different issues they may have regarding their identity, it is crucial that they are not subject to psychological harm in the process. Current legislation does not protect people who experience conversion practices in counselling, therapy, coaching or instructing, particularly in the unregulated space.

In 2017, a Memorandum of Understanding (MOU) was signed by over 25 health, counselling and psychotherapy organisations, including NHS England, British Psychological Society and Royal College of Psychiatrists, which expressed a commitment to end the practice of conversion therapy in the UK.⁸ This, however, only covers regulated medical professionals within these bodies; a significant number of talking therapists or counsellors may fall outside of the scope of this Memorandum.

Many of the research participants involved in the recent local study of conversion practices⁹ reported experiencing conversion practices through talking therapy. One participant stated: "I saw one person, and that was the person that gave me the counselling, the conversion therapy. He's a therapist. He's a psychotherapist or a psychologist that's offering active therapy as opposed to just speaking and like counselling, discussing a situation. He was actively, proactively using therapy techniques."

The creation of an offence that covers the provision of a service intended to suppress or change a person's sexual orientation and/or gender identity is critical to cover all forms of these practices and to ensure they are not conducted under the guise of mainstream services (also known as pseudo-psychotherapy).

7. Do you agree or disagree that an 'avoidance of doubt' clause should be included in the proposed legislation?

The Bill is not intended to interfere with legitimate psychological or medical healthcare provision, conducted ethically and in accordance with professional guidelines. Whilst we do not believe such care would fall under the requirements of the offence, it is proposed that an 'avoidance of doubt' clause is included in the Bill to place this beyond doubt.

Disagree

Please state the reason for your answer.

⁸ [Memorandum of Understanding on Conversion Therapy in the UK](#) (2022)

⁹ Fidelma Ashe and Danielle Mackle (May 2024) - [A Study of Conversion Practices in Northern Ireland](#)

As explored above, there has been a Memorandum of Understanding in place since 2017 between a range of healthcare professional regulatory bodies on so-called 'conversion therapy', outlining their agreement that this is 'unethical, potentially harmful, and is not supported by evidence.' This means that regulated health professionals in Northern Ireland would already be in breach of their professional guidelines if they engaged in conversion practices, as they have been defined in this proposal.

There are, however, a range of unregulated professionals who provide talking therapies, including a large number of private counsellors and psychotherapists. They may also be members of professional bodies which actively endorse or promote conversion practices. These kinds of pseudo-psychotherapists and their clinics are environments where conversion practices are more likely to take place. There is a concern that an 'avoidance of doubt' clause could shield them from the effects of this ban.

It is vital that no one who commits the offence of engaging in conversion practices is able to avoid prosecution or claim a defence that they were behaving in line with their own ethical, medical and professional rules and guidelines, in the rare case where those guidelines may permit the delivery of conversion practices. Moreover, there is no avoidance of doubt clause in comparative EU legislation.

As such, we do not feel that there is a need to include an 'avoidance of doubt' clause, and if it is eventually included, it should be limited to exclusively *regulated healthcare professionals*.

8. Do you agree or disagree with the proposal that the offence will cover a coercive course of behaviour intended to suppress or change an individual's sexual orientation or gender identity?

Drawing on the approach taken to domestic abuse, it is proposed that a coercive course of behaviour in the context of conversion practices would be defined as:

- a) behaviour directed at the victim that is violent;**
- b) behaviour directed at the victim that is threatening;**
- c) controlling, regulating or monitoring the victim's day-to-day activities;**
- d) depriving the victim of, or restricting the victim's, freedom of action; or**
- e) making the victim feel frightened, humiliated, degraded, punished or intimidated**

Agree

Please state the reason for your answer.

We agree it is appropriate to draw on the same approach to domestic abuse cases in defining what constitutes a coercive course of behaviour. We wish to clarify, however, that *requiring* a conversion practice to be a 'coercive' course of behaviour could constitute a consent loophole.

If an individual were to approach another individual and requested conversion practices, an effective ban must still prevent that individual from being subjected to them, even if there is no 'coercion' involved. This is why it is vital that the offence should, as stated in the proposal, cover *either* the 'provision of a service' or a 'coercive course of behaviour', and that both do not need to be present for a conversion practice to occur. This may be carried out through the monitoring of the victim's communications and activity, withholding e.g. makeup and clothing for trans people, or threatening or abusing them to discourage them from expressing their identity.

One woman who has chosen to share her story of conversion practices with the Coalition stated that prayers and affirmations were used as techniques to change and suppress her sexual orientation. The service that she was offered was through a Christian discipleship residential programme. She stated: "It started with the prayers – hearing people talking in tongues scared me – they kept saying that I was sinning – they made me say that "I was sorry for being gay" and repeat "I am loved by God." We had to write down our affirmations in books and if you didn't do it you were in trouble. I had to repeat this "affirmation" out loud all the time – I didn't say it in front of the other girls because I didn't want them to know I was gay."

For reasons that we will explore further below, the notion of 'freely consenting' to conversion practices is difficult to uphold, not least due to societal views that LGBTQIA+ identities are inherently 'flawed' or wrong, and require fixing. As such, even if the conversion practitioner did not employ coercive behaviours in the course of delivering these practices, it could be said that the individual experienced familial coercion or indeed wider societal coercion in seeking them out.

9. Do you agree or disagree that the conduct of the perpetrator must have caused the victim to suffer physical or psychological harm (including fear, alarm or substantial distress) in order for it to be an offence?

Agree

Please state the reason for your answer.

It is important to acknowledge that conversion practices can and do cause lasting psychological harm, often resulting in trauma and lifelong distress. In extreme cases conversion practices may also be physical, sometimes involving physical abuse or sexual violence. The coalition takes the view that all conversion practices are harmful, and have often lifelong impacts on their victims.

One victim of conversion practices in Northern Ireland, shared that her experience began with more psychological forms of harm and developed into more physical forms of harm, including exorcism and eventually attempting to take her own life. This woman stated: “It’s really difficult to remember what happened, but I do remember lying on the carpet, with 3 people holding down my head and praying in tongues – kind of like in the movies. I just remember someone pushing my head down onto the floor – the manager was speaking, there was a lot of shouting and a lot of chanting – and I didn’t feel well. I felt like my head was going to explode.”

The intention of a ban is not to outlaw any discussion, prayer etc which does not support an individual’s identity - it is to ensure that where an activity meets these thresholds that it is able to be dealt with appropriately. The requirement for harm solidifies the threshold over which a practice must reach to be prosecutable as a conversion practice: that it causes harm, that it had the intent to change or suppress an individual’s identity, and that it pertains to a specific victim.

10. Do you agree or disagree with the inclusion of a defence of reasonableness?

It is proposed that it is a defence for the accused to show that the course of behaviour was, in the particular circumstances, reasonable. A similar defence is offered in offences dealing with domestic abuse, stalking and harassment.

Disagree

Please state the reason for your answer.

While we accept that the defence of reasonableness is present in other areas of legislation such as the Domestic Abuse Proceedings Act, we are not convinced that this defence is applicable to the issue of conversion practices. Any attempt to change or suppress an individual’s sexual orientation or gender identity, is, by its nature, unreasonable.

In the case of this Bill, it is hard to fathom that a conversion practice would meet the tests set out above, while also being ‘reasonable’ within the circumstances. Namely, the proposal sets out that in order for the test of a conversion practice to be met, either a conversion practice was administered through the provision of a service or coercive course of behaviour; that there was a specific victim of the practice; and that the victim experienced physical or psychological harm.

Moreover, the ‘reasonableness’ defence has a long and relatively controversial history in common law in the UK. The defence is commonly found in legislation relating to violence, coercive control and harassment, and sexual assault, including in recent legislation covering non-fatal strangulation. It is utilised in the ‘reasonable chastisement’ defence to common assault, where it relates to the parenting of a child; the Serious Crimes Act 2015 uses the reasonableness test in what is dubbed the “Carer’s Defence” relating to the offence of controlling or

coercive behaviour in an intimate or family relationship defence; and its use as a defence in sexual violence cases, where the perpetrator has a 'reasonable belief' that that their accuser had consented.

In the context of sexual offences, where reasonable belief remains a defence, feminist activists maintain that reasonable belief allows space for myths and misconceptions about consent to continue to permeate sexual relationships, rather than sending an unambiguous signal that these behaviours are unacceptable.

In their response to the Domestic Abuse and Family Proceedings Act (then Bill) the Women's Policy Group argued that a reasonable defence could risk being used as a justification of abuse by defendants. In creating such a provision, the policy group expressed concern that perpetrators can justify their abusive behaviour through portraying victims of abuse as mentally unstable, unable to make decisions for themselves, having a history of addiction that can be used against them. Furthermore, victims may suffer from mental health issues caused by abuse and disabled women, who are already more likely to be victims of domestic abuse, could find themselves being disproportionately impacted by the implications of a "reasonable defence". We believe there may be a similar risk if a defence of reasonableness was to be included for this Bill.

All of these applications have been controversial, with some - particularly the more recent applications - not yet having worked their way through the judiciary to assess the full implications of them.¹⁰ Women's organisations and feminist campaigners have particularly criticised its use in cases of sexual violence, often claiming that it reinforces or aides in the application of rape myths within the judiciary.¹¹

Therefore, to clarify, we are unsure how this defence of reasonableness would play out in the judiciary, or how the above three tests could be met while it also being deemed that the practice or behaviour was reasonable. We understand why this provision may be included, but are uncomfortable at the suggestion that there are 'reasonable' ways to deliver conversion practices.

11. The proposal does not include a defence of consent for conversion practices. Do you agree or disagree with this approach?

The proposal does not include a defence that the victim consented to conversion practice. Individuals will often consent due to external pressure or imbalanced power dynamics. Often, consent is given in the absence of full knowledge that the change in question is not, in fact, possible; or of the harm

¹⁰ NI Assembly Research and Information Service (2020) - [Defence on Grounds of Reasonableness](#)

¹¹ Ashlee Gore (2020) - [It's All or Nothing: Consent, Reasonable Belief, and the Continuum of Sexual Violence in Judicial Logic](#)

that can be caused. There may also be instances whereby the victim is subject to an act which they do not initially realise to be conversion practice.

Agree

Please state the reason for your answer.

Decisions to participate in conversion practices occur in contexts where there is an imbalance of power, within a society where LGBTQIA+ identities are often viewed or portrayed as inherently flawed or wrong. Recent research conducted in Northern Ireland explored the issue of consent and concluded that, under these conditions, there is pressure on individuals to participate in conversion practices, and the concept of freely consenting to these practices is difficult, if not impossible, to sustain.¹² There needs to be an acknowledgement of the context that conversion practices take place in situations where there is a background of individual, familial, organisational, and societal stigmatization of LGBTQIA+ identities.

Recent UK Government research¹³ clearly exposes the boundary between consent and coercion when conversion practices are blurred. People subjected to conversion practices felt their consent was given in the context of differential power and they were often 'led' into it by people in positions of authority over them. People have similar experiences in Northern Ireland. Moreover, Belgium, Cyprus, France, Portugal, and Spain include consenting adults in their bans.

If we accept that conversion practices do not work - a subject on which there is an overwhelming medical and scientific consensus¹⁴ - and that it causes harm - which, again, there is significant consensus on, including from local research¹⁵ - then it follows that an individual cannot, in a fully informed manner, consent to these practices. There is clear case law established in the UK, and later translated into legislation, refuting the notion that an individual can consent to their own harm - specifically *R v Brown*¹⁶ established, particularly in cases involving injury or death for the purpose of sexual gratification, that an individual cannot consent to their own harm.

12. Do you consider that the following sentencing range would be appropriate for this offence?

on summary conviction: imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.

¹² Fidelma Ashe and Danielle Mackle (2024) - [A Study of Conversion Practices in Northern Ireland](#)

¹³ UK Government (2021) - [Conversion therapy: an evidence assessment and qualitative study](#)

¹⁴ American Psychological Association (2009) - [Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation](#)

¹⁵ Ibid, [A Study of Conversion Practices in Northern Ireland](#)

¹⁶ House of Lords Judgement (1997) - [R v. Brown](#)

on conviction on indictment: imprisonment for a term not exceeding 7 years, or a fine, or both.

Agree

Please state the reason for your answer..

A sentence for this offence is necessary and appropriate in these circumstances, to reduce the number of LGBTQIA+ people subject to these harmful practices. A maximum seven year sentence is appropriate to prosecute the most severe forms of conversion practices.

We would also urge the Bill to consider age. In considering age, we would suggest that a vulnerable persons category (including minors), be added to the Bill. For example, in Iceland the law punishes anyone making an adult undergo conversion therapy with a sentence of **up to three years** in prison, increased to **five years maximum** if Conversion Therapy is enacted on a child.¹⁷ Cyprus also provides separate higher penalties if the act was applied to a minor. A higher sentence may therefore be required to target those administering conversion practices on vulnerable persons.

It is worth noting also that some countries have applied an aggravated sentencing model, wherein an act which is already a criminal offence (for example physical or sexual assault, harassment, domestic abuse, etc) receives a greater sentence if it is conducted as part of a conversion practice. For instance, if a victim experienced so-called 'corrective rape' as a method of attempting to change or suppress their sexual orientation, the sentence for sexual assault should be aggravated by its use as a form of conversion practice. We recommend that this is given consideration as part of this Private Member's Bill.

Offence of Removing a Person from Northern Ireland for Purposes of Conversion Practice.

It is proposed that a new offence is created to make it illegal to cause someone who is habitually resident in Northern Ireland to leave Northern Ireland with the intention that they will undergo conversion practices. Illustrative examples of behaviours which are likely to demonstrate that one person forced another to leave Northern Ireland for the purposes of conversion practice include:

Paying travel and accommodation costs;

Making travel arrangements.

13. Do you agree or disagree that it should be a criminal offence to remove someone who is habitually resident in Northern Ireland from Northern Ireland for the purpose of subjecting them to conversion practice?

¹⁷ Iceland Government (2023) - [General Criminal Code \(Suppression Therapy\)](#)

Agree

Please state the reason for your answer.

As it stands, there is currently no ban on conversion practices in the UK or the Republic of Ireland. In the event that this legislation passes before other jurisdictions catch up, there must be protections against an individual being removed from Northern Ireland for the purposes of being subjected to conversion practices. This question includes illustrative examples of behaviours which are likely to demonstrate that one person forced another to leave Northern Ireland for the purposes of conversion practice. We suggest that therapy costs be included in addition to making travel arrangements and paying accommodation costs. The Bill should also consider protections when conversion practices are administered online through digital/electronic media.

There are clear indications that legislative bans are leading to a relocation of institutions offering such services to neighbouring EU countries, or, in the case of Spain, regions. For example, after Germany placed such a ban and given the likelihood of Austria doing the same, their conversion practice institutions have moved to Switzerland from where they would continue to be provided.¹⁸

We also know that for many migrant and refugee LGBTQIA+ individuals, there is a higher likelihood that they may be taken back to their country of origin in order to be subjected to these practices. Often, the most serious and traumatic conversion practices are delivered overseas, in jurisdictions where LGBTQIA+ rights and social perceptions are much worse than in Northern Ireland. Individuals must be protected from these practices.

Whether someone is subjected to conversion practices in the UK or Ireland, mainland Europe, or further afield, they will suffer similar harm. Everyone must be protected from these practices, wherever they are delivered.

14. Do you consider that the following sentencing range would be appropriate for this offence?

on summary conviction: imprisonment for a term not exceeding 12 months, or a fine, or both.

on conviction on indictment: imprisonment for a term not exceeding 3 years, or fine, or both.

Agree

Please state the reason for your answer.

¹⁸ European Parliament Briefing (2024) - [Bans on Conversion 'Therapies' - the situation in selected member states](#)

A sentencing range added to the offence would be appropriate under the circumstances. This will send a strong message that conversion practices will not be tolerated. The proposal in the Republic of Ireland included a separate prohibition for 'any person to remove a person from the State for the purposes of conversion therapy', for which the penalty was twice as high as for performing such a practice in Ireland. However, we support the sentencing range outlined in this Bill and agree that lesser sentences recognise that the individual facilitating these practices is not the one actively delivering them. As above, we would recommend a recognition of vulnerability as an aggravating factor within sentencing for this offence, with particular consideration given to young people.

Human Rights and Financial implications

15. How, if at all, do you think the proposed legislation will impact on human rights?

Significant positive impact

Please state the reason for your answer.

This Bill is concerned with the protection and promotion of human rights outlined in the European Convention on Human Rights. In particular, in the following Articles:

Article 3: No one shall be subjected to torture or to inhuman or degrading treatment or punishment;

Article 8: Everyone has the right to respect for his private and family life, his home and his correspondence.

Article 14: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground.

We also note that the former UN Independent Expert on Sexual Orientation and Gender Identity (IE SOGI) recognised that conversion practices can amount to torture, and as such that they should be banned on the grounds of violating the human right to live free from torture.¹⁹

Further, the interference with an individual's right to live as their true selves, whether that be in relation to their sexual orientation or gender identity, through attempts to change or suppress these characteristics could be deemed an intrusion of the right to private and family life.

¹⁹ IE SOGI (May 2020) - [Report on Conversion Therapy](#)

16. Do you have any comments on the likely cost/financial implications of the proposed legislation?

This new legislation is unlikely to incur disproportionate or inappropriate costs. While there may be some financial implications, including the need to train members of the Police Service and Public Prosecution Service on how to identify and address conversion practices, these costs are reasonable when viewed in the context of the harm caused by these practices.

17. In your view, could the proposal have any unintended consequences? (positive or negative)

It is possible that, without the additional elements recommended within this response, the Bill may not be sufficiently robust in bringing an end to conversion practices. There is also a concern, based on international experiences, that the offences may not be implemented or enforced effectively after its introduction, and consequently prosecutions could be low for those engaging in conversion practices.

This Bill is a vital piece of the puzzle to end conversion practices in Northern Ireland, but it is certainly not the only piece needed. Legislation must be accompanied with clear and robust public awareness-raising efforts, proactive investigatory powers to root out conversion practices, and other actions as necessary. The concern from the Coalition's perspective is that in the event that this Bill passes it could result in an even higher level of complacency from the Assembly and Executive on tackling conversion practices.

Nevertheless, the passage of the Bill would deliver both direct, practical benefits to the LGBTQIA+ community while also serving a rhetorical and symbolic function, showing them that the political institutions can work to benefit their lives, in the context of extremely little progress on LGBTQIA+ rights and inclusion from the devolved institutions.

18. Do you have any other comments on the proposed legislation?

We acknowledge that the Speakers' Office guidance on Private Members' Bills requires that, for a proposal to be accepted, it should not create undue pressure on the public purse. In this context, we understand that this proposal is narrow in scope with a focus on tackling the highest level instances of conversion practices, however, we feel it is important to raise other important mechanisms needed to fully end conversion practices.

Other jurisdictions, such as some areas of Australia, Canada, Germany, and others who have progressed a ban on conversion practices have also included within their bans efforts to tackle the promotion of these practices. This helps capture instances where individuals are encouraged, often through the distribution of 'self-help' guides, to self-administer conversion practices, or where individuals are

encouraged through promotion to seek out conversion practices in a jurisdiction with fewer restrictions on their delivery.

It's also important to recognise that many of these practices occur within an individual's family, religious community, or wider circle, and as such they may be reluctant to report these practices to the police. Other jurisdictions have introduced civil protection orders as a means of dealing with this, which are a method of recognising lower-level conversion practices through civil rather than criminal courts.

These compounding demands on what are often traumatised individuals to take legal action against a provider are considerable. In addition, when bringing a legal case, a person may be required to disclose their identity, undermining their privacy and alienating them further from their families and faith-based communities.

To address this concern, Belgium has introduced a process whereby arms-length bodies can take legal action against conversion practitioners, with the consent of the victim, removing the requirement for the victim themselves to initiate this process at great personal cost. This can be compared to the Spanish law, wherein these powers lie exclusively within a Government department (in this case, the Ministry of Equality), but have not seen similar prosecution rates to that of other jurisdictions.

Following this example, establishing or empowering existing bodies to take cases on behalf of the victim(s) and monitor and prosecute persons and organisations who perform conversion practices will ameliorate some of the effects of legal cases on victims/survivors.

We recommend that this Bill include these provisions well as other measures to reduce the likelihood of individuals being subjected to conversion practices. These include increased education, awareness and the introduction of civil protection orders, which in those regions created new powers and responsibilities for their respective Equality and/or Human Rights Commissions.

Privacy Policy

We have read and understood the Privacy Policy.