



**August 2021**

**Views on the 'End Conversion Therapy' petition**

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**Children in Scotland**

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced, and independent voice. We create solutions, provide support, and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

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Children in Scotland is pleased to be able to respond to The Equalities, Human Rights and Civil Justice Committee call for views on public petition 'PE1817: End Conversion Therapy'.

We have responded to several Scottish Government consultations linked to LGBTQI+ issues. These have included the 2020 consultation on the Gender Recognition Reform (Scotland) Bill and 2018 consultation on the Gender Recognition (2004) Act.

Children in Scotland's Manifesto for 2021-2026 includes 33 calls across ten key areas that are essential to improving the lives of children, young people and their families. Two areas of particular relevance are the 'Children's Rights

and Democracy' section and 'Equalities' section in which we highlight ongoing issues of discrimination and disadvantage faced by members of the LGBTQI+ community.

Our work as an organisation is rooted in children's rights as articulated in the United Nations Convention on the Rights of the Child (UNCRC), and we have consistently supported the rights of LGBTQI+ young people and families through our policy and campaigning work. Our response to this call for views is based on our commitment to support the rights of all children and young people. We have also considered views of our members, including organisations working directly with LGBTQI+ young people, and existing evidence focusing on conversion therapy practices.

Children in Scotland is firmly committed to equality within all our work. We aim to make all our work inclusive for LGBTQI+ children and young people and to be fully supportive of all our staff and other adults that we work with. We are proud to hold a LGBT Youth Scotland Silver Charter Mark<sup>1</sup>.

In this response we use the term 'child' to refer to those under 18 years old – this is in keeping with the definition of the term child as adopted by the United Nations Convention on the Rights of the Child (UNCRC).

### **Question 1. What are your views on the action called for in the petition?**

Children in Scotland strongly supports the petition to end conversion therapy. There is a clear body of evidence (referenced below) from the medical community discrediting conversion therapy practices. In addition to this, testimonies from people who have experienced conversion therapies have highlighted its damaging and long-lasting impact<sup>2</sup>.

In October 2017, NHS England and NHS Scotland, along with all major counselling and psychotherapy bodies signed a Memorandum of Understanding<sup>3</sup> about conversion therapy in the UK. The document recognised conversion therapy techniques in relation to either sexual orientation or gender identity as “unethical and potentially harmful”.

In 2020, joint research<sup>4</sup> by Mermaids, Ozanne Foundation, LGBT Foundation, GIRES and Stonewall, found that gender diverse people - all people who feel that their gender identity does not match the sex assigned to them at birth - had been profoundly harmed by conversion practices. Gender diverse

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<sup>1</sup> <https://www.lgbtyouth.org.uk/charter>

<sup>2</sup> <https://www.banconversiontherapy.com/stories>

<sup>3</sup> [https://www.psychotherapy.org.uk/media/cptnc5qm/mou2-reva\\_0421\\_web.pdf](https://www.psychotherapy.org.uk/media/cptnc5qm/mou2-reva_0421_web.pdf)

<sup>4</sup> [https://www.stonewall.org.uk/system/files/2020\\_conversion\\_therapy\\_and\\_gender\\_identity\\_survey.pdf](https://www.stonewall.org.uk/system/files/2020_conversion_therapy_and_gender_identity_survey.pdf)

people who had undergone conversion therapy were more likely to report severe mental health problems, increases in suicide attempts and suicidal ideation. Survivors also reported a significant impact on their romantic, family, community and peer relationships. Worryingly, the report highlights that a significant number of people were children when they experienced Gender Identity Conversion Therapy.

Further evidence from the United Nations Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity (IESOGI), published in May 2020, found that conversion therapies inflict severe pain and suffering and result in long-lasting psychological and physical damage<sup>5</sup>. The Independent Expert found conversion therapy practices to be “inherently degrading and discriminatory” and constitute an “egregious violation of rights to bodily autonomy, health and free expression of one’s sexual orientation and gender identity”.

The IESOGI report also states that “young people are disproportionately subjected to practices of conversion therapy”. We believe that conversion therapy is a significant threat to children’s rights as enshrined in the United Nations Convention on the Rights of the Child (UNCRC) and call for these practices to be banned.

**Question 2. What action would you like to see the Scottish Government take, within the powers available to it?**

Children in Scotland would like to see a full legislative ban of conversion therapy practices covering both sexual orientation and gender identity. Conversion therapy is an umbrella term used to describe a range of interventions, so it is important that any legislative ban should clearly define prohibited practices.

As recommended by the UN Independent Expert, a ban should cover conversion therapy practices in all public and private settings including healthcare, religious and faith-based settings, domestic, education and community settings. It is important that a ban does not include an exemption for those who have “consented” to conversion therapy.

In the Queen’s Speech in May 2021, the UK Government confirmed that it planned to legislate to ban conversion therapy after a public consultation. We understand that this consultation is scheduled to launch in September 2021. It is currently unclear if the UK Government’s legislative plans will apply to Scotland. We call on the Scottish Government to work with the UK

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<sup>5</sup> <https://www.ohchr.org/Documents/Issues/SexualOrientation/ConversionTherapyReport.pdf>

Government to identify the scope of its proposals. If it becomes clear these will not apply in Scotland, the Scottish Government must bring forward its own bill to ban conversion therapy.

In addition to a legislative ban, we would like to see a package of support for survivors of historic conversion therapy, recognising the significant impact of these damaging practices. We are aware that Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland are responding to this call for views and believe these organisations would be best placed to advise about the specific supports required.

**Question 3. Do you have suggestions on how the Committee can take forward its consideration of the petition? For example: who should it talk to? Who should it hear from?**

Children in Scotland were pleased to see that all five major political parties called for a ban to conversion therapy practices in their party manifestos ahead of the Scottish Parliament elections in May 2021.

The Committee should hear from survivors of conversion therapy to inform their work. Given the sensitive nature of this and the risk of re-traumatising survivors, the Committee may wish to hold a series of private evidence sessions. In particular, it may be useful to hear from people who were under the age of 18 when they experienced conversion therapy because we know young people are disproportionately subjected to these practices.

The Committee should work with Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland who may be able to support their engagement with survivors and provide additional evidence from their work and services.

Children in Scotland understands that several nations, including Germany, Canada, France and New Zealand, have introduced legislation to ban conversion therapy practices. It may be beneficial for the Committee to engage with representatives from these nations. The Committee may also wish to engage with legal, medical, therapeutic and human rights experts in relation to the petition.

**For more information, please contact:**

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