

Conversion practices consultation: Overview of proposals

SUMMARY DEFINITION OF A 'CONVERSION PRACTICE':

Someone provides a service or engages in a **coercive course of behaviour** towards a person with the **intention of changing or suppressing** that person's sexual orientation or gender identity, resulting in **harm** to that person.

NEW CRIMINAL OFFENCE – OUTLAWING ORDINARY PARENTING AND CHURCH WORK

The Scottish Government's consultation document claims its approach will catch only "the most serious and harmful forms of conversion practices" [para. 65]. But in reality the proposals are dangerously broad and will catch innocent, harmless behaviour:

1. A "**coercive course of behaviour**" includes "controlling of the victim's day-to-day activities" and "pressuring the victim to act in a particular way" [104]. Everyday parenting could easily fit these descriptions. A 'course of behaviour' simply means more than one incident. One example of controlling behaviour is "preventing someone from dressing in a way that reflects their sexual orientation or gender identity" [105]. Julie Bindel points out the risk:

"an 11-year-old boy comes home and says he's a girl. He dresses to go out with friends wearing a padded bra and micro-skirt, along with a face full of make-up. When his parents tell him he can't go out looking like that, he says it's his way of expressing his gender identity and threatens to call the police..." ([Scotland is abandoning children to trans extremists \(telegraph.co.uk\), 10 January 2024](#))

2. "**Suppressing**" a person's sexual orientation or gender identity is said to include "controlling a person's appearance (e.g. clothes, make-up, hairstyle)" and "restricting where a person goes and who they see" [50]. So a parent who stops their child attending an LGBT group could be accused of suppressing their identity and therefore conducting a conversion practice. The consultation document calls celibacy an act of suppression [56]. So the offence could also cover a pastor telling a male same-sex attracted member of his congregation that to live faithfully as a Christian he must not have a boyfriend.
3. "**Harm**" includes psychological harm, which is defined as including simply "distress". There is no requirement to prove the perpetrator intended to cause harm. It is a low and subjective threshold. It is easy to allege you feel distressed and almost impossible for anyone else to disprove. Someone could claim feelings of distress about even the most moderate language or behaviour. For example, nobody wants to hear that they are sinful. It will be easy for someone offended by biblical teaching to say they are distressed by being told they should embrace Christian sexual ethics and have therefore been a victim of a conversion practice.

"Non-directive"

The Scottish Government tries to give reassurance by stating: "the legislation does not apply to non-directive or non-coercive discussions, questioning, guidance or general parental direction, guidance, controls and restrictions. The distinction here is that these allow the individual to come to their own decision, whatever that may be, and does not direct them to a particular pre-determined sexual orientation or gender identity that is considered 'preferable'" [46]

This is a worthless assurance. Expecting parents and religious leaders to be "non-directive" about important issues is a fundamental attack on their roles. 'Non-directive guidance and advice' is almost a contradiction in terms.

- Being directive is often inherent to parenting, at least where big issues are concerned. A parent who hears that their child wants to take dangerous experimental puberty blockers or cross-sex hormones will be concerned. They will want to give clear direction. Yet this could be considered 'suppression'.
- The responsibility of a pastor is not just to state doctrine but to urge people to follow it. When giving advice to a church member who is tempted to begin a homosexual relationship, or identify as the opposite sex, a faithful church leader has to say that it would be incompatible with Christian living and that they must not do it. Again, this could be considered 'suppression'.

The maximum sentence for committing the offence is seven years in prison and/or an unlimited fine.

CONVERSION PRACTICES PROTECTION ORDERS – EVANGELISM PREVENTION?

The Scottish Government also wants to introduce ‘conversion practices protection orders’ (CPPOs). These civil powers would be pre-emptive – to stop conversion practices taking place. In practice, they could be used as anti-evangelism orders, stopping the gospel being preached to particular people or even whole sections of society.

Such orders are far easier to get from a court than a criminal conviction because they only require the case to be proved on the ‘balance of probabilities’ rather than ‘beyond reasonable doubt’. But it would still be a criminal offence to breach an order, with a potential sentence up to two years in prison.

There would be two kinds of order:

1. Individual CPPOs

The courts would have “a broad power to impose any requirements and prohibitions that are required to protect the individual” [184]. Individual CPPOs could be applied for by a) the person to be protected, b) a local authority, c) the chief constable, or d) any other person with permission of the court. An order could be obtained by an activist third party, even against the will of the person being ‘protected’. It could prevent a church allowing someone to attend who wants to attend.

2. Community CPPOs

A local authority or chief constable could apply for a Community CPPO. There would be no need for a named victim, only some evidence that the person subject to the order has previously carried out a ‘conversion practice’. But, as we have seen, the definition of conversion practice is broad. A court could “place any necessary restrictions and/or requirements on an individual whose conduct is considered to place others at risk of harm from the carrying out of conversion practices”. [186]

The consultation paper says that civil orders have already been introduced in “specific, and clearly defined, harmful situations”, such as forced marriage and female genital mutilation [172]. But conversion practices are not clearly defined, making these orders highly subjective and dangerous. They will be weaponised against those who disagree with LGBT ideology. A court’s power to impose “any” requirement it deems necessary means they could reach deep into the home and the church. For example:

- A female church member begins a sexual relationship with another woman. Her church removes her from membership until she repents. She breaks up with the other woman and is welcomed back into membership. This sequence of events is reported to the local authority by the ex-girlfriend. The local authority, which is a Stonewall Diversity Champion, views the church disciplinary process as a coercive conversion practice and applies to the court for a CPPO preventing the church from applying its membership rules to LGBT people in the future.
- A 14-year-old girl starts identifying as a boy after an LGBT rights organisation runs a session in her school. She wants to change her name and pronouns, and wear a breast-binder. Her parents urge her to wait and see if her feelings persist. They refuse to let her get a breast binder, having heard about the health risks. When the girl tells the school, they report her parents to social services on the basis that they are suppressing their daughter’s expression of her gender identity. The local authority applies for a CPPO requiring the parents to support her social transition.