

# BANNING CONVERSION THERAPY CONSULTATION - ENGLAND AND WALES

SUBMISSION BY CARE

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*Do you agree or disagree that the Government should intervene to end conversion therapy in principle?*

**Neither Disagree nor agree**

*Free text answer:*

**This is an issue that many Christians are deeply concerned about because, if framed badly, the law could be used to restrict our ability to preach, teach, and pray publicly, as well as support those struggling with their sexuality and desires.**

**We support measures that will safeguard everyone's freedom to worship and share what the bible teaches in full, with the need to protect individuals from harm.**

**There needs to be recognition that there are legitimate concerns raised by the consultation document in its lack of detail and clarity. There is a risk that loose definitions lead to bad laws and even worse outcomes. By not clearly defining some key terms and phrases the Government may, perhaps inadvertently, cause significant harm to the well-intentioned on both sides of this debate – those who are seeking to balance our religious freedom and practice with individuals' protection from harm.**

## QUESTION 1

*To what extent do you support, or not support, the government's proposal for addressing physical acts of conversion therapy? Why do you think this?*

**Strongly Support**

*Free Text answer:*

**It's clear that in the past individuals have been harmed and forced to endure physical, emotional, and spiritual pain through practices that no-one should condone. For that reason, we support the proposed ban on physical acts of 'therapy' as inconsistent with God's call for us to freely come to him through Jesus and the Church's call to model love, grace, and hope.**

**Such practices are illegal under present laws but we agree that there needs to be a strong clear signal that such practices are harmful and not supported by the vast majority of churches who seek to love and care for people seeking and struggling with their identity and sexuality.**

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## QUESTION 2

*The government considers that delivering talking conversion therapy with the intention of changing a person's sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and who has not consented or lacks the capacity to do so should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?*

**Somewhat disagree**

## QUESTION 3

*How far do you agree or disagree with the penalties being proposed?*

**Prefer not to say**

## QUESTION 4

*Do you think that these proposals miss anything?*

**Yes**

*If Yes can you tell us what you think we have missed?*

**CARE abhors any attempt to force or coerce a person, of any age or capacity, to change their sexual/gender identity or religious affiliation. To this end we want to support the government's attempts to prevent abuse or exploitation, but such attempts must not be confused with or restrict orthodox Christian teaching on repentance (that is, a turning from those thoughts and behaviours which the Bible identifies as wrong) as a necessary step for those who freely choose to identify themselves as Christians.**

**The right to preach and teach openly on these matters in congregational contexts, where explicit 'consent' in advance in terms of what is taught is not attainable, must not be inhibited by any ban.**

**Greater clarity is required from the Government on definitions of "talking therapies" and "consent", especially for those under 18, and there needs to be a greater understanding of how healthy, faithful churches seek to care for the spiritual development and health of people who want to be faithful and obedient to God's word.**

**Our primary concern is preserve and promote a tolerant, caring, and compassionate society where we can respect different views respectfully shared. This means that the law needs to be framed so that it is wholly and unambiguously within the law to teach and uphold the orthodox Christian position that sexual activity is to be properly confined to the context of marriage between one man and one woman, and that preaching, teaching, prayer and pastoral care to this end must**

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be allowed. This should not be confused with genuine ‘conversion therapy’ whereby the aim to ‘coerce’ a person to change.

We understand that some may find such views and teaching challenging and even offensive, but we believe that the Government can balance freedom of religious expression done respectfully with protecting every person from harm through coercion, manipulation or exploitation (as defined under current safeguarding law and guidance).

In seeking to find the correct balance in legislation and policy CARE directs the Government’s attention in this respect to the Ed Shaw legal opinion by Philip Havers QC as a rigorous analysis and opinion on the human rights implications associated with the current proposals. CARE urges the Government to take note of this opinion in shaping future policy and laws.

## QUESTION 5

*The government considers that Ofcom’s Broadcasting Code already provides measures against the broadcast and promotion of conversion therapy. How far do you agree or disagree with this? Why do you think this?*

**Strongly Agree**

## QUESTION 6

*Do you know of any examples of broadcasting that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?*

**No**

## QUESTION 7

*The government considers that the existing codes set out by the Advertising Standards Authority and the Committee of Advertising Practice already prohibits the advertisement of conversion therapy. How far do you agree or disagree with this?*

**Prefer not to say**

## QUESTION 8

*Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy? If yes, can you tell us what these examples are?*

**No**

## QUESTION 9

*The consultation document describes proposals to introduce conversion*

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*therapy protection orders to tackle a gap in provision for victims of the practice. To what extent do you agree or disagree that there is a gap in the provision for victims of conversion therapy?*

**Prefer not to say**

### **QUESTION 10**

*To what extent do you agree or disagree with our proposals for addressing the gap we have identified? Why do you think this?*

**Prefer not to say**

### **QUESTION 11**

*Charity trustees are the people who are responsible for governing a charity and directing how it is managed and run. The consultation document describes proposals whereby anyone found guilty of carrying out conversion therapy will have the case against them for being disqualified from serving as a trustee at any charity strengthened. To what extent do you agree or disagree with this approach? Why do you think this?*

**Prefer not to say**

### **QUESTION 12**

*To what extent do you agree or disagree that the following organisations are providing adequate action against people who might already be carrying out conversion therapy? (Police, Crown Prosecution Service, other statutory service)? Why do you think this?*

**Prefer not to say**

### **QUESTION 13**

*To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy? (Police, Crown Prosecution Service, other statutory service)? Why do you think this?*

**Prefer not to say**

### **QUESTION 14**

*Do you think that these services can do more to support victims of conversion therapy? If yes, what more do you think they could do?*

Prefer not to say

### **QUESTION 15**

*Do you have any evidence on the economic or financial costs or benefits*

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*of any of the proposals set out in the consultation?*

**No**

## **QUESTION 16**

*There is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act 2010. Do you have any evidence of the equalities impacts of any proposals set out in the consultation?*

**Yes**

*If yes, can you provide us with details of this evidence, including where possible, any references to publications?*

**As one of the protected characteristics under the Equality Act 2010 we urge the Government to consider the impact policies might have on people of faith and aspects of their life and expression of their faith that interact with others not of the same belief. For example, the government has only indicated that it will protect personal prayer. This represents a very narrow, diminished and restrictive view of how individuals and communities of faith live and worship.**

**In seeking to find the correct balance in legislation and policy CARE directs the Government's attention to the legal opinion offered by Philip Havers QC as a rigorous analysis and opinion on the human rights implications associated with the current proposals. CARE urges the Government to take note of this opinion in shaping future policy and laws.**

**Consistent with this legal opinion CARE calls on the government to include a specific clause that protects discussion of sexuality and gender identity which might have disproportionate relevance to people of faith. This is similar to existing free speech protections in hate crime law, and it was also put in place when laws introducing same-sex marriage were passed. We direct the Government to examples and evidence submitted by the Evangelical Alliance to support this point.**

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