

Ending Conversion Practices in Scotland

A Scottish Government Consultation

Summary Document

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Part 1: Consultation

1. Consultation is an essential part of the policy-making process. It gives the Scottish Government the opportunity to get public opinion and expertise on a proposed area of work.
2. This is a Summary document. View the [full Consultation document \(www.gov.scot\)](http://www.gov.scot).
3. You can respond to this consultation online via [Citizen Space](#) or by post. Our preference is to receive responses online.
4. After the consultation is closed, we will publish responses, where we have been given permission to do so.
5. The consultation was published on 9 January 2024 and closes at midnight on 2 April 2024.
6. The responses will be analysed, and used to help inform policy in this area. Analysis of the consultation will be published in due course.

Part 2: Introduction

7. In the 2022-2023 Programme for Government (PfG), the Scottish Government reaffirmed its commitment to introduce a Bill on ending conversion practices in Scotland, including both sexual orientation and gender identity.
8. The UK Government committed in its **2018 LGBT Action Plan** to end the practice of conversion therapy and published **a consultation** in October 2021. However, a Bill has not been included in the UK Government's legislative programme 2023-2024.
9. The Expert Advisory Group on Ending Conversion practices (EAG) was set up in March 2022, to advise the Scottish Government on its approach to ending conversion practices. Its **report** was published in October 2022.
10. The Equalities, Human Rights and Civil Justice (EHRCJ) Committee also published a **report** in January 2022. This report responded to Petition PE1817: "Calling on the Scottish Parliament to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland".

Part 3: Background

Policy context

11. The Scottish Government is committed to ensuring that the rights of everyone in Scotland are respected, protected and fulfilled.
12. Conversion practices are harmful. They are promoted within an ideology that views LGBTQI+ identities as wrong and believes that they can be changed. This legislation aims to protect people from the harm of conversion practices.

Growing international momentum to tackle conversion practices

13. Laws on conversion practices have been passed in: Malta, Ecuador, Germany, Spain, France, Greece, Cyprus, Belgium, Iceland, New Zealand, and Canada, as well as several states and territories in Australia, Mexico, and the USA. The Republic of Ireland has also committed to bringing forward legislation to ban conversion practices.

What are conversion practices?

14. There is no international, universal definition of the term “conversion practices”.
15. The Expert Advisory Group (EAG) on Ending Conversion Practices’ defined conversion practices as “any treatment, practice or effort that aims to change, suppress and/or eliminate a person’s sexual orientation, gender identity and/or gender expression.
16. Our specific proposal for defining conversion practices for the purposes of this legislation is set out below in Part 4.

Part 3: Background

What is the scale of conversion practices in Scotland?

17. Due to the often-private nature of conversion practices, evidence is often based on self-reporting. The UK Government's 2017 [National LGBT Survey](#) identified that, in Scotland, 7% of 'LGBT' respondents had either undergone or been offered 'conversion therapy'. Transgender people were targeted the most, with 10% of transgender respondents having either undergone, or been offered, 'conversion therapy'. Across the UK, faith organisations were the most likely group to have conducted 'conversion therapy', as indicated by 51% of respondents.
18. The survey also found that, while older cisgender respondents across the UK were more likely to have undergone 'conversion therapy', there was a relatively consistent pattern in the proportions of respondents who had undergone, or been offered, 'conversion therapy' amongst all of those aged 16-64. This suggests that it is a live issue, and not just one that affected older generations.

Experiences of LGBTQI+ racialised minorities

19. [The National LGBT survey](#) found that, within the UK, there was a substantial variation by ethnic group amongst cisgender respondents. For example, Black/African/Caribbean/Black British (13%) and Asian/Asian British (14%) respondents, and respondents belonging to an 'other' ethnic group (15%), were up to twice as likely to be offered, or to have undergone, 'conversion therapy' than White (7%) respondents. The EAG's [report](#) on 'LGBT+ POC & Minority Ethnic Faith Experiences of Conversion Practices' found that conversion practices in many minority communities often take the form of coercing someone into suppressing their identity.

What harm do conversion practices cause?

20. Conversion practices are inherently harmful, and can have a lifelong impact, as shown by research from [Australia](#). They deny people's right to express themselves and send a message to the LGBTQI+ community as a whole that their identity is wrong and can and should be fixed or suppressed.
21. [Testimonies](#) provided to the EHRCJ Committee by individuals with lived experience of conversion practices describe PTSD, nightmares, bulimia, self-harm, shame, and panic attacks as some of the long term effects.

Part 4: Defining Conversion Practices for this Legislation

The intention to change or suppress a person's sexual orientation or gender identity

22. Our proposals are informed by legislation and the definitions used by different bodies, and in other countries. We consider that core to the definition of conversion practice is a purpose or intention to change or suppress another individual's sexual orientation or gender identity.
23. In order for any act or course of behaviour to fall within the scope of this legislation, it will have to meet this intent requirement.

An equal and universal approach

24. We believe that any effort to change a person's sexual orientation or gender identity is harmful, regardless of how an individual identifies. This includes change efforts directed at those who are heterosexual, or cisgender. The legislation will be clear that the provision of medical care by a healthcare professional relating to a person's gender identity is not a conversion practice.

What does this mean in practice?

25. The core intention, to change or suppress a person's sexual orientation or gender identity, distinguishes conversion practices from general statements of belief or opinion.
26. This legislation does not include non-directive and ethical guidance and support for a person who might be questioning their sexual orientation or gender identity, whether that is provided by a healthcare practitioner, a family member, or a religious leader. The distinction is that individuals must be allowed to come to their own decision, whatever that may be, and not be directed to a particular pre-determined sexual orientation or gender identity that is considered 'preferable'.

1. Do you support our approach to defining conversion practices which focuses on behaviour motivated by the intention to change or suppress a person's sexual orientation or gender identity?

- Yes
- No
- Don't know

2. Please give the reason for your answer to Question 1.

Part 4: Defining Conversion Practices for this Legislation

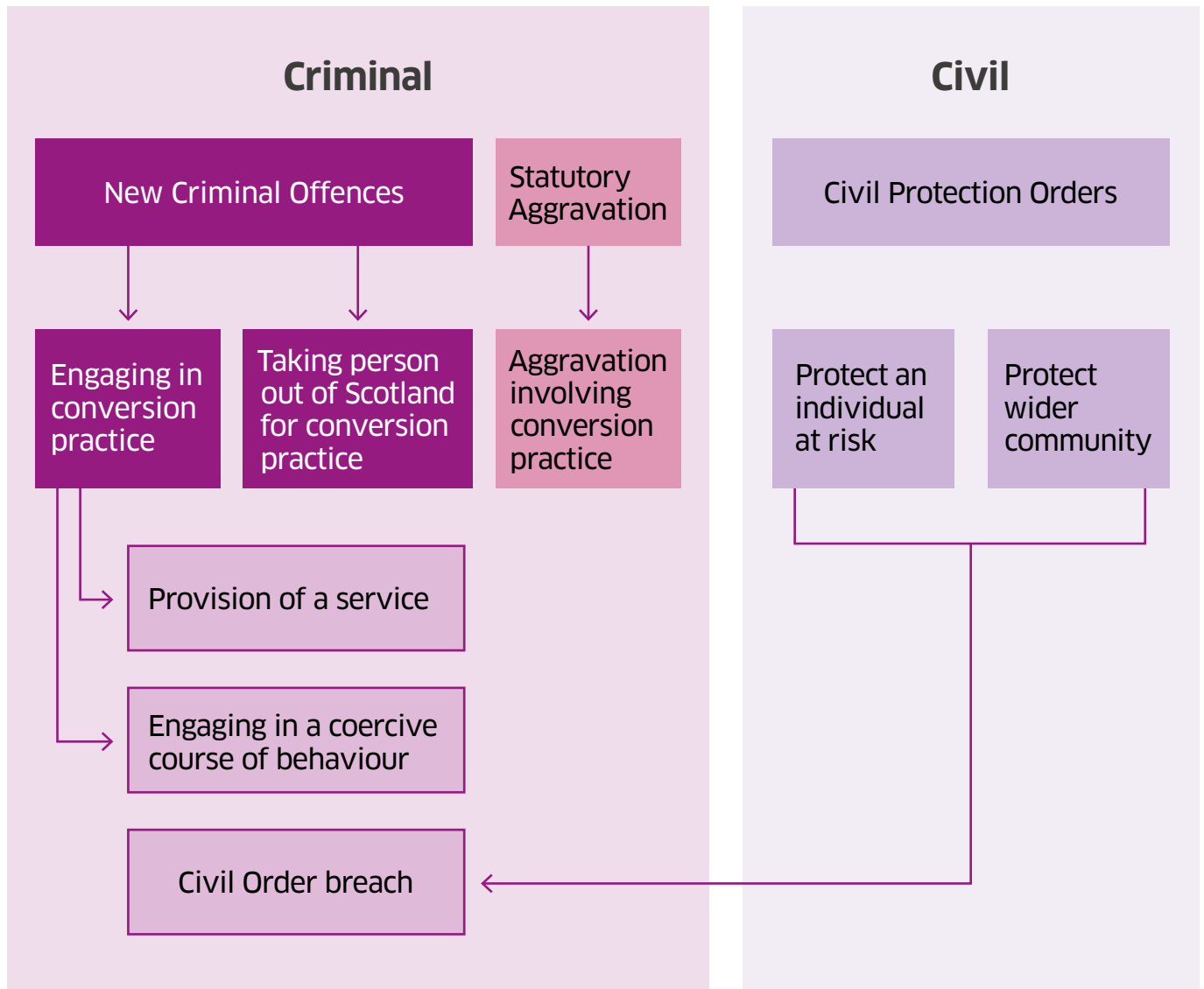
Suppression

27. Most international legislation, as well as the [Memorandum of Understanding](#) and the reports of the EAG and the EHRCJ Committee, define conversion practices to include both the intention to change a person's sexual orientation or gender identity, and the intention to suppress it. While the underlying act may be the same, the difference lies in the motivation behind the act.
28. In this context we define **suppression** as acts that seek to repress, and/or prevent the development or manifestation of another person's sexual orientation or gender identity. **Repress** means to prevent or subdue something (often through force). **Manifest** means to show, through acts or appearance.
29. The inclusion of suppression means that there would be a wider net of protection for LGBTQI+ people and avoid any potential loopholes in the law.
3. **Do you think that legislation should cover acts or courses of behaviour intended to 'suppress' another person's sexual orientation or gender identity?**
 - It should be covered
 - It should not be covered
 - Don't know
4. **Please give reasons for your answer to Question 3.**

Sexual orientation and gender identity

30. The EHRCJ Committee concluded that a ban on conversion practices should be fully comprehensive and cover sexual orientation and gender identity, including trans identities, for both adults and children in all settings without exception.
31. We believe it is important that legislation relates to any conversion practice that seeks to change someone from one sexual orientation to another or suppress that sexual orientation.
32. In our proposals we use the ordinary meaning for both the term sexual orientation and gender identity, as found in the Oxford English Dictionary. These are:
 - Gender Identity:** an individual's personal sense of being or belonging to a particular gender or genders, or of not having a gender.
 - Sexual Orientation:** a person's sexual identity in relation to the gender to whom [they] are usually attracted; (broadly) the fact of being heterosexual, bisexual, or homosexual.
33. We will also include the situation where the victim has no sexual orientation towards other persons.

Part 5: Overview of Proposals



Part 5: Overview of Proposals

A package of measures

34. We propose a package of measures to address conversion practices in Scotland and prevent harm, similar to the approach used to address forced marriage, female genital mutilation, and domestic abuse.

New Criminal Offences	Statutory Aggravation	Civil Protection Order
<p>This would criminalise harmful conversion practices committed against an individual when certain thresholds are met.</p> <p>It will focus on two types of conduct: the provision of a service, and a coercive course of behaviour.</p> <p>There will also be an offence relating to taking a person out of Scotland for conversion practices.</p> <p>Those found guilty will face a fine or imprisonment.</p>	<p>Where the act(s) undertaken as part of a conversion practice are already criminal offences, for example, assault, there would be a new statutory aggravation where the crime was motivated by change or suppression of a person’s sexual orientation or gender identity.</p> <p>Courts will be required to take this motivation into account during sentencing.</p>	<p>A civil protection order is a preventative and protective tool.</p> <p>The civil courts would be able to make an order to protect either a specific victim or the wider community from the harm of conversion practices.</p> <p>Breach of the civil order would be a criminal offence.</p>

5. Do you support or not support an approach which uses a package of both criminal and civil measures to address conversion practices in legislation?

- Support
- Do not support
- Don't know

6. Please give reasons for your answer to Question 5.

Part 6: The Criminal Law: Overview

35. We believe that the criminal law should be used to address conversion practices which are harmful, and which are not adequately addressed under existing law.

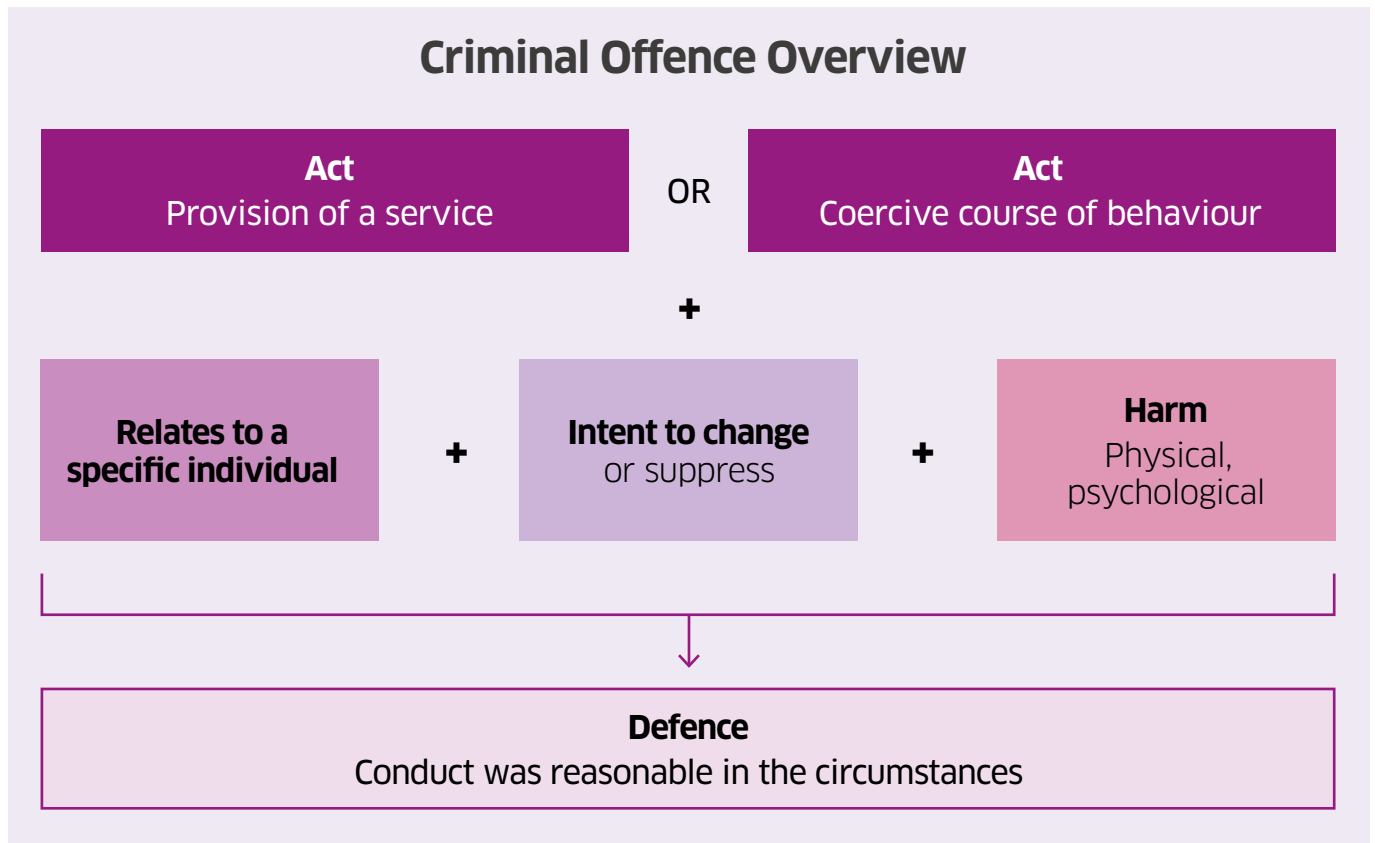
Existing criminal law

36. Some forms of conversion practices will already fall within existing criminal offences, such as assault, including sexual assault, threatening and abusive behaviour and stalking. Our analysis has shown that not all types of conversion practices can be addressed by existing offences.

New criminal offences relating to conversion practices

37. Our proposal is to create new criminal offences to address a gap in the law relating to harmful conversion practices, protect individuals from that harm, and provide criminal penalties when such conduct has occurred. The new criminal offences will address three forms of conversion practices: the provision of a service; a coercive course of behaviour; and taking someone out of Scotland for conversion practices.

Part 7: Offence of Engaging in Conversion Practice



Criminal Offence Overview

38. The key elements of the proposed new offence of engaging in conversion practices are:

- **Intent:** that the individual accused of carrying out conversion practices did so with the intention that the sexual orientation or gender identity of the victim would be changed or suppressed.
- **Acts:** that either the provision of a service or coercive course of behaviour, as defined by the relevant offences, took place.
- **Victim:** that the service or course of behaviour relates to a specific, identified individual.
- **Harm:** that the service, or course of behaviour, has caused the victim physical or psychological harm.
- **Defence:** the accused person has a defence if their conduct was reasonable in the circumstances.

Part 7: Offence of Engaging in Conversion Practice

Intent - mental element of the offences

39. Most criminal offences have a mental element which relates to what is in the mind of the perpetrator in undertaking a criminal act. For the offence of engaging in conversion practices, we propose that the relevant conduct must be undertaken with the intention that it will result in the change or suppression of the sexual orientation or gender identity of the person against whom it is directed.

Victim - in relation to a specific individual

40. Both the intention, and the criminal act undertaken to achieve that intention, must be in relation to a specific individual. The proposals in this legislation do not target hatred towards sexual orientations and gender identities more generally, e.g. statements that being gay is sinful, or that transgender identity does not exist.

The acts falling within the criminal offence

41. The criminal offence addresses two different forms of conversion practices.

The provision of a service

42. This form will address the provision of a service, with the intended outcome that a person's sexual orientation or gender identity will be changed or suppressed.

43. This part of the offence seeks to address the situation where a conversion practice is undertaken by a person who claims to have a particular knowledge, skill or expertise and where the act is purported to be a method to effect a change or suppression. It is not focused on a specific setting, such as medical or healthcare settings. It will include acts that are pseudo-medical.

44. The legislation will include examples of things that will be considered to be a service in this context (where it is intended to change or suppress an individual's sexual orientation or gender identity). This includes counselling or any form of talking therapy, coaching or instructing, and a purported treatment.

7. **What are your views on the proposal that the offence will address the provision of a service?**

- Support
- Do not support
- Don't know

8. **Please give reasons for your answer to Question 7.**

Part 7: Offence of Engaging in Conversion Practice

Coercive course of behaviour

45. This form will address conversion practices that take the form of a coercive course of behaviour, where one or more acts are performed in a repeated, continuous, or sustained way. The part of the offence seeks to address to the form of conversion practices that the evidence tells us is most common – “informal” actions conducted over a period of time.
46. In order to fall within the offence, there is a minimum requirement that the behaviour happens on at least two occasions, the course of behaviour as a whole will need to be coercive, and the other requirements of intent and harm will also need to be met.
47. The legislation will include examples of the types of behaviour that would be considered to be coercive in the context of conversion practices. This include acts that are controlling, threatening, and humiliating, intimidating, manipulative or pressuring.
48. The acts undertaken must be deliberate actions carried out against a person and a failure to do something, or an omission, would not fall within the offence.

9. What are your views on the proposal that the offence will address a coercive course of behaviour?

- Support
- Do not support
- Don't know

10. Please give reasons for your answer to Question 9.

Harm - requirement for harm

49. We intend for the criminal offence of engaging in conversion practices to address conduct which is sufficiently serious and harmful. We therefore propose that the offence will include a requirement that the act or course of behaviour has caused harm to the victim: either physical harm, psychological harm, or a combination of both. Psychological harm includes fear, alarm and distress.
50. Acts that do not cause harm to the victim will not be criminalised.

11. What are your views on the requirement that the conduct of the perpetrator must have caused the victim to suffer physical or psychological harm (Including fear, alarm or distress)?

- Agree
- Do not agree
- Don't know

12. Please give reasons for your answer to Question 11.

Part 7: Offence of Engaging in Conversion Practice

For the avoidance of doubt

51. We propose to include specific 'avoidance of doubt' provisions to be clear that some behaviour will not be carried out with the requisite intention and so are not included in the legislation. These include:
- healthcare or medical treatment provided by healthcare professionals in the course of their employment. This includes medical treatment provided in line with relevant ethical and legal rules and guidelines and medical treatment that aligns a person's physical characteristics with their gender identity
 - expressing an opinion or belief or engaging in conversations in a way that does not intend to direct a person towards a particular sexual orientation or gender identity

Defence of reasonableness

52. We propose that there will be a defence that the accused's conduct was reasonable in the particular circumstances. This test is whether the accused's behaviour was reasonably objective, meaning that it is not determinative that the accused person considers their behaviour was reasonable based on their own values.
53. We anticipate that this defence may be particularly important where the safety of the victim was at risk, and acts were carried out to protect them from imminent harm. For example, where someone is at immediate risk of suicide as a result of distress related to their sexual orientation or gender identity, is supported to find a short-term coping mechanism. It could also apply in situations where the specific day-to-day controls implemented by a parent were to prevent a child from engaging in illegal or dangerous behaviour.

13. Do you agree with the inclusion of a defence of reasonableness?

- Agree
- Do not agree
- Don't know

14. Please give reasons for your answer to Question 13.

Part 7: Offence of Engaging in Conversion Practice

Proposed penalty

54. We propose that offences relating to this offence will be able to be tried “both ways” in either summary or solemn procedure.
55. We propose the following sentencing range for convictions under this offence:
- **on summary conviction: imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum (£10,000), or to both**
 - **on conviction on indictment (solemn procedure): imprisonment for a term not exceeding 7 years, or to an unlimited fine, or both**

15. Do you agree with the proposed penalties for the offence of engaging in conversion practices?

- Agree
- Do not agree
- Don't know

16. Please give reasons for your answer to Question 15.

Part 8: Criminal Offences – Additional Considerations

Defence of consent in a criminal offence relating to conversion practices

56. Evidence suggests that many people who undergo conversion practices agree in some way to do so. For example, they may agree to attend a programme of therapy. However, those people who apparently willingly engage in, or actively seek-out, conversion practices are often driven by external pressures and coercions, imbalanced power dynamics, or being under the guidance of powerful people in their life who are in a position of trust or authority, limiting their autonomy.
57. Considering the available information and evidence, we believe that it is extremely difficult to ensure that consent in these circumstances is fully informed. Many people have reported consenting to conversion practices without a full awareness of:
- the fact that change is not, in fact, possible
 - what the conversion practices will entail
 - the likelihood that this will cause them serious lifelong harm

17. Do you agree that there should be no defence of consent for conversion practices?

- Yes
- No
- Don't know

18. Please give reasons for your answer to Question 17.

19. Do you have any other comments regarding the criminal offence as set out in Sections 7 and 8?

Part 9: Removing a Person from Scotland for Conversion Practices

58. Some victims of conversion practices may be taken out of Scotland for these purposes, with evidence of such actions detailed in several sources including [research](#) commissioned by the UK Government, and a [report](#) by Galop. We believe that legislation should address this harm. Similar concerns have been addressed in legislation relating to forced marriage and female genital mutilation. We therefore propose that it should be a criminal offence to cause someone who is habitually resident in Scotland to leave Scotland with the intention that they will undergo conversion practices. This would include a person being taken to another part of the UK, or abroad.
59. We propose the following sentencing range for prosecutions under this offence:
- **on conviction under summary procedure: imprisonment for a term not exceeding 12 months, or a fine, or both**
 - **on conviction on indictment (solemn procedure): imprisonment for a term not exceeding 3 years, or a fine, or both**
20. What are your views on it being a criminal offence to take a person out of Scotland for the purpose of subjecting them to conversion practices?
- Support
 - Do not support
 - Don't know
21. Please give your reasons for your answer to Question 20.
22. What are your views on the proposed penalties for taking a person outside of Scotland for the purposes of conversion practices?
- Support
 - Do not support
 - Don't know
23. Please explain your answer to Question 22.

Part 10: Conversion Practices as an Aggravating Factor for Existing Offences

60. There are forms of conversion practices that can be prosecuted under existing criminal offences. This includes situations where the conduct has a physical element, such as assault, including sexual assault, or forced marriage.
61. We propose that conversion practices is made an aggravating factor for existing offences. This would give flexibility to the Crown Office and Procurator Fiscal Service (COPFs) in deciding how best to prosecute a situation of conversion practices, and is particularly important where conduct may not reach the threshold to be captured by the new offence, but meets the requirements of an existing criminal offence.
62. An aggravation ‘attaches’ to an existing offence, in certain circumstances, based on the conduct or motivation of the offender. It indicates a more serious degree of harm than if the same crime was committed without that factor being present.
63. Creating a new statutory aggravation for conversion practices would require the courts to explicitly recognise and note the intention of the perpetrator. It would also require courts to take the aggravations into account when determining sentence.
- 24. What are your views on the proposal that conversion practices should be an aggravating factor for existing offences?**
- Support
 - Do not support
 - Don't know
- 25. Please explain your answer to Question 24.**

Part 11: Consideration of Convention Rights

64. Conversion practices are usually undertaken within an ideology that views LGBTQI+ identities as wrong and believes that they can be changed. The main aim of this legislation is to protect people from the harm of conversion practices and protect the human rights and dignity of LGBTQI+ people.
65. Legislation passed by the Scottish Government must be compatible with the human rights protected by the European Convention on Human Rights (ECHR). In developing the proposals set out in this consultation we have carefully considered their impact on rights protected by the ECHR, in particular the right to family and private life; freedom of thought, conscience and religion; and freedom of expression. Interference with these rights must be necessary and proportionate to the aim to be achieved, in this case, protection of the rights of LGBTQI+ people.
66. In order to make sure that our proposals respect all the rights involved, we have taken a number of steps. These include ensuring that the criminal law targets only those acts that are harmful and coercive. We are clear that conversion practices must be undertaken with a specific intention, and relate to a specific victim. They do not include general statements of opinion without this specific intention, or voluntary practices undertaken by a person themselves in line with a person's own belief and not pushed upon them by someone else. There are also a number of safeguards for ECHR rights in relation to the civil protection orders which cannot be granted unless necessary to reduce or prevent harm to other persons.
- 26. Do you have any views on the steps we have taken to ensure the proposals are compatible with rights protected by the European Convention of Human Rights?**

Part 12: A New Civil Order Relating to Conversion Practices

Background

67. Evidence from survivors of conversion practices, as well as recommendations made by the EAG, suggest that there will be cases where the use of criminal law is not the most suitable course of action. The criminal law provides a response to a crime which has already taken place, rather than enabling preventative action.
68. Anecdotal evidence and research data highlights that conversion practices often take place in religious, family, and community settings. Victims may be reluctant to report those responsible to the police, or to give evidence during a criminal trial.
69. A civil order provides an avenue for conversion practices to be addressed and prevented, including in situations where the Police and Crown Office and Procurator Fiscal Service (COPFS) do not consider criminal measures to be appropriate. However, Civil orders still require a formal legal process that provides sufficient protection for the person(s) to whom the order applies.
70. The law in Scotland provides for several individual and community protection orders which can be used to protect individuals and prevent harmful conduct in a range of different situations. However, none of these existing civil orders fully address the problem of conversion practices, nor are they designed to.

71. An important feature of the proposed civil orders in relation to conversion practices is their ability to protect specific individuals from an identified risk of harm of conversion practices in a tailored and individualised way.
72. We have also identified value in providing for the civil order to be able to address harm caused by individuals or institutions that conduct conversion practices on a wider scale. In this case there may not be a specific, named victim.

Summary of proposal

73. Our proposal is to introduce a civil order with the following uses:
 - to protect a specific victim from the harm caused by an individual
 - to protect the wider community from the harmful conduct of an individual or organisation. For example, an individual that has previously caused harm to multiple people as a result of conversion practices.

Part 13: The Purposes of a Conversion Practices Protection Order

74. Civil orders are preventative and based on risk. There will not need to be evidence that conversion practices have already taken place if there is a specific person or persons to be protected by the order. Instead, there needs to be evidence of a risk of conversion practices taking place, and a risk of harm to the person(s) to be protected.
75. Where the order is being used to protect the wider community, it needs to be demonstrated in court that the person has carried out conversion practices before.
76. An order could be granted where criminal conduct has been carried out. For example, an order would be able to be granted at sentencing for a criminal offence.

27. What are your views on the purposes of the proposed conversion practices protection order?

- Support
- Do not support
- Don't know

28. Please explain your answer to Question 27.

What powers will the courts have?

77. Because each victim's experience is unique, we propose that the courts are given a broad power to impose any requirements and prohibitions that are required to protect the individual. No requirement or prohibition could be imposed on a person by a court where it was not necessary for the protection of another person.
78. The court would also have the power to determine the duration of the order, and any conditions or requirements within it.
79. It would also be possible to apply to the court to have the order lifted or varied. We intend for the court to have the power make an interim order where it considers this necessary. This follows the approach of other civil orders, including forced marriage and female genital mutilation.

Part 14: Civil Orders – Considerations

Breaching a conversion practices civil order

80. We believe that there must be a criminal penalty for breaching a civil order. This will ensure they are effective as a deterrent, therefore working towards our overall goal of ending conversion practices in Scotland.
81. In line with other existing legislations which contain civil orders, we propose the following sentencing range for breaching a conversion practices civil order:
- **on summary conviction: imprisonment for a period not exceeding 12 months, a fine not exceeding the statutory maximum, or both**
 - **on conviction on indictment (solemn procedure): a sentence of imprisonment not exceeding 2 years, a fine, or both**

Who would be able to apply for an order?

82. Due to the nature of conversion practices, persons at risk may be reluctant to come forward and request a protection order, or may not be aware that they are a victim of conversion practices. That is why it is essential that family, friends, or a support organisations are able to apply for an order in relation to a person at risk.

83. Our proposal is that the following people could apply for a new conversion practices civil order when it is in relation to an specific person to be protected:
- the person to be protected
 - the police
 - local authority
 - a third party (only with leave of the court)
84. Where an order is being applied for to address systemic conversion practices, or to protect the community as a whole (rather than a specific individual), we propose that only the following people should be able to apply:
- the police
 - local authority

29. Do you agree or disagree with the proposals for who should be able to apply for a conversion practices civil order?

- Agree
- Do not agree
- Don't know

30. Please explain your answer to Question 29.

Part 14: Civil Orders – Considerations

Extra-territorial effect

85. The Scottish Government believes that it is essential for conversion practice protection orders to protect individuals from being taken outside of Scotland for the purpose of conversion practice, and also to be based on conduct that took place outside of Scotland. We therefore propose the courts will be able to:

- include conditions preventing a person from being taken out of Scotland for the purpose of conversion practices
- include requirements or prohibitions in relation to conduct that takes place outside of Scotland

Children and young people

86. It is important that any new legislation does not put any child at risk or interfere with the existing multi-agency framework that currently exists to protect children. When dealing with children, multi-agency child protection processes must be followed in line with the [National Guidance for Child Protection in Scotland](#).

87. We believe that if the facts and circumstances of an act of conversion practices can be demonstrated, a local authority or other person will be able to obtain a Child Protection Order under sections 37-39 of the [Children's Hearings \(Scotland\) Act 2011](#) (asp 1).

88. We also propose that, during an application for a conversion practices protection order, the court should be able to refer the case to the Principal Reporter if it considers that one of the grounds for referral set out in the [Children's Hearings Act 2011](#) might apply.

31. Do you have any other comments regarding the civil order as set out in Parts 12-14?

Part 15: Wider Recommendations

What else is the Scottish government doing to support the legislation?

89. The Scottish Government is exploring taking additional steps to support the legislation and to provide broader support to ending conversion practices in Scotland, as recommended by the Expert Advisory Group. Ending conversion practices will only be successful if measures which support the legislation are also taken forward.
90. Whilst key areas such as education, support mechanisms for survivors, and research will not be included in proposed legislation, it is equally as important and necessary for an effective and holistic approach to ending conversion practices to consider how to improve these areas.
91. We will explore how best to educate children and young people as well as the general public on what conversion practices are, and the detrimental impact they have on victim's lives, as part of our wider work on LGBTQI+ visibility.
92. Tailored and targeted community outreach programmes will also be considered to ensure that no area of society is left out.
93. We will look at the scope of current support for victims and survivors of conversion practices, and how this support could be strengthened.
94. We will consider awareness raising of conversion practices and the legislative actions, as well as how we can best inform victims and survivors of conversion practices of support services available to them.
95. Finally, we will consider establishing a research project to contribute to informing other work to end conversion practices, both in Scotland and internationally.

Part 16: Impact Assessments

96. As we have developed our policy, and in response to this public consultation, we will carry out impact assessments. The aim of these assessments is to identify issues that may affect some groups more than others and to consider how we will address these issues.
97. We recognise that the proposed legislation will have a much greater impact in some areas than in others and that the proposals may have a minimal or no impact in some areas.

Equalities

98. The Public Sector Equality Duty includes a requirement for the Scottish Government and other public bodies to have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010.

32. Do you have any views on the potential impacts of the proposals in this consultation on equality by:

- a. Age
- b. Disability
- c. Gender reassignment
- d. Civil partnership
- e. Pregnancy and maternity
- f. Race
- g. Religion and belief
- h. Sex
- i. Sexual orientation

Children's rights

99. The **UN Convention on the Rights of the Child** (UNCRC) is an international treaty which sets out the fundamental human rights of all children. **Part 1 of the Children and Young People (Scotland) Act** places a duty on the Scottish Ministers to (a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements; and (b) if they consider it is appropriate to do so, take any of the steps identified by that consideration.

33. Do you have any views on the potential impacts of the proposals in this consultation on children and young people, as set out in the UN Convention on the Rights of the Child?

Fairer Scotland Duty

100. **The Fairer Scotland Duty** came into force on 1 April 2018 and places a legal responsibility on named public bodies, including the Scottish Government, to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

34. Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

Part 16: Impact Assessments

Island Communities

101. **Section 7 of the Islands (Scotland) Act 2018** states that a relevant authority – which includes the Scottish Ministers – must have regard to island communities when carrying out its functions.

35. Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

Data protection and privacy

102. Data protection and privacy impact assessments help the Scottish Government to assess the risks of proposed legislative changes that are likely to affect the way in which personal data is used.

36. Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

Business

103. A Business and Regulatory Impact Assessment (BRIA) is used to analyse the costs and benefits to businesses and the third sector of any proposed legislation or regulation, with the goal of using evidence to identify the proposal that best achieves policy objectives while minimising costs and burdens as much as possible.

37. Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

Environment

104. In Scotland, public bodies, including the Scottish Government, are required to assess, consult on, and monitor the likely impacts that their plans, programmes, and strategies will have on the environment.

38. Do you have any views on the potential impacts of the proposals in this consultation on the environment?



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