

Expert Advisory Group on Ending Conversion Practices Report and Recommendations

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Executive Summary

The Expert Advisory Group on Ending Conversion Practices (the 'Group') is made up of individuals who are experts in their fields. These people are from LGBT+ organisations, faith and belief organisations and communities, are mental health professionals, legal professionals, human rights advocates, academics and people with personal lived experience of conversion practices. The Group held eight meetings from March through to August 2022 and have developed this report to document their findings.

The report includes 32 guiding principles which members hope will be adopted and which offer a clear framework to guide the Scottish Government in its approach to developing measures under criminal law, and measures outside criminal law, to end conversion practices. These are supported by specific recommendations, included in the Annex, which set out measures showing how the Group sees the guiding principles taking shape within legislation and other measures.

The Group believes that conversion practices infringe upon the human rights of individuals, in particular the victims' freedom from discrimination and freedom from non-consensual medical treatment. Conversion practices can also violate the prohibition of torture, cruel, inhuman and degrading treatment and are capable of violating children's rights to be free from all forms of physical or mental violence, injury, or abuse.

The Group advises that ending conversion practices will not lead to the unlawful restriction of existing freedoms – including freedoms of speech, religion, and belief. The Group's position is that where expression creates the potential of significant harm to others, a prohibition of a practice is justified and necessary as a proportionate way of protecting the interests of the victims, and does not unlawfully interfere with the human rights of the providers of conversion practices.

The Group recommends that the definition of conversion practices must apply equally to sexual orientation, expression of sexual orientation, gender identity and gender expression, must be wide enough to encompass any treatment, practice or effort that aims to change, suppress, and/or eliminate a person's sexual orientation, expression of sexual orientation, gender identity, and/or gender expression.

The inability to consent to conversion practices should form part of the definition of conversion practices by not requiring an absence of consent

or providing an exception for consent, including people who experience coercion, which can lead to a perception of consent to conversion practices. The Group does not consider exceptions are necessary for its recommended definitions of conversion practices.

The Group recommends that the existence of specific intent to cause harm, malice or ill-will is not required for an act to be considered a conversion practice and should therefore not be included as part of any criminal offence. Nor should there be any requirement that the provider sought to cause harm to the victim or potential victim.

The Group recognises the need to facilitate, enable or encourage efforts which take place in a supportive and affirmative environment, and are led by the recipient's autonomous decisions. These actions are not to be considered conversion practices as they do not seek to change, suppress or inhibit that person's sexual orientation, gender identity, and/or gender expression.

The Group recommends that ending conversion practices requires measures of criminal law, civil law, and administrative law to be drafted into legislation. Any act, treatment, or effort, whether immediate or cumulative, with a specific intent to change, suppress or inhibit someone's sexual orientation, expression of sexual orientation, gender identity, and/or gender expression should be criminalised in Scotland. If the practice is not directed and not intended to change, suppress or inhibit sexual orientation or gender identity, it should not be criminal.

The criminalisation of conversion practices should not only include the carrying out of the practices themselves but should also include offering, promoting, advertising or referring a person for the purpose of conversion practices.

Criminal responsibility should also extend to persons who do not carry out the conversion practices themselves but direct another person or subordinate to do so or allow a subordinate to do so in a situation where they knew or should have known that conversion practices were taking place.

Removing someone from Scotland to be subject to conversion practices anywhere else in the world should be considered a criminal offence. The offence should also include those who aid, abet or otherwise facilitate someone being taken outside Scotland for conversion practices where this is done with knowledge of the intended principal offence.

For sentencing of the criminalised acts, the Group recommends three key aggravating factors be considered specifically. The causation of serious bodily or mental harm, the performance of conversion practices on a child, and the performance of conversion practices on a person in a situation of vulnerability – for instance people with mental health conditions, persons without capacity and persons who are in a situation of dependence.

When children and persons in a situation of vulnerability are subjected to conversion practices, it is sufficient that the perpetrator was aware of the age or the situation of vulnerability. The Group believes that where the perpetrator has parental or guardianship rights in relation to the victim, the legal consequences ought to include the modification or withdrawal of such rights.

The Group recommends that authorities make sure that no public facilities are provided for any of the criminalised acts and that organisations engaging in any of the criminalised acts do not receive preferential tax status or benefit from public subsidies.

The Group recommends that, where the perpetrator of any of the criminalised acts is a healthcare professional, the legal consequences may include the withdrawal of the perpetrator's professional licence.

The Group recommends that where the perpetrator of any of the criminalised acts is a faith leader or a member of a religious institution, the legal consequences may include the withdrawal of the perpetrator's professional licence as a faith leader or removal of their ability to work within Scotland in the said institution, or withdrawal of the institution's charity status where the institution is not regulated.

The Group recommends that the Scottish Government establish a Commission or task a relevant body or bodies to be responsible for various civil measures and other functions relating to conversion practices. The Commission ought to have a role as the interface between the criminal justice system and survivors, potential victims or those reporting conversion practices. The recommended measures outside criminal law should be also written into legislation to ensure that there is sufficient resource and planning.

Given the sensitive context that conversion practices often take place in, all measures should be informed by the principles of confidentiality and

human rights, which considers the rights of those suspected of carrying out conversion practices and the rights and wishes of the victim.

The Commission would be responsible for general education of the public and outreach programmes which would work with the LGBT+ sector to ensure that people are aware of conversion practices as part of wider work already carried out on LGBT+ visibility.

The Group recommends the establishment of an International Academic Project to carry out an evaluation of conversion practices across a range of jurisdictions.

Survivor support measures which are holistic, person centred and trauma informed are essential. Therapeutic professionals must be specialists and informed by those with lived experience. Support must be free and available across Scotland to everyone who needs it. Mental health services, religious bodies, services for children and young people and other professional bodies must be supported to provide appropriate services, with emergency support services for survivors available where necessary.

Conversion practices result in psychological harm to the victim. Medical institutions must be trauma informed and create safe spaces for survivors. They must encourage trust and provide choice for survivors by providing clear and consistent information as well as options for treatment and care. They must work with and empower survivors, whilst taking into account and respecting all aspects of a person's life experience and identity.

The Group recommends that any person, including victims and potential victims, are able to report conversion practices and that an investigation can then follow, removing the onus from survivors on to a public body. A wide range of options to enforce change should be available and could include targeted education, written notice from the perpetrator agreeing to cease the practice, a compulsory notice from the authority or a voluntary written agreement agreed by all parties involved.

The Group recommends that instances of conversion practices should be recorded to identify patterns and organisations involved in these practices, and annual reporting of instances should be considered.

A free and accessible telephone helpline should be available to support and provide advice for people undergoing conversion practices or facing the threat of conversion practices.

The Group believes it necessary to promote awareness raising of conversion practices and the legislation banning the practices as well as services available to survivors.

Through research conducted by the Group, it is clear there are feelings of apprehension around reporting of conversion practices in ethnic minority communities who have experienced historical prejudice and discrimination within the criminal justice system.

The majority of conversion practices happen within domestic settings in these communities so there needs to be visible support that is intersectional and culturally competent, which understands the structures and governance in diverse faith institutions, and the significance and potential danger of the abuse of honour and shame within communities.

It is vital to understand the relationship between an overarching culture and environment of anti-LGBT+ sentiment within some communities. It is also important to understand individuals' desires to be accepted and to fit in to societal norms where family, faith, and community are integral parts of life and self-identity. These may be key factors as to why people voluntarily suppress their own identity or 'consent' to conversion practices.

Introduction and Background

The Expert Advisory Group on Ending Conversion Practices (the ‘Group’) was set up by the Scottish Government in March 2022. The Group was asked to provide recommendations on necessary measures, both under criminal law and outside criminal law, to end conversion practices in Scotland, and in doing so, to make sure that everyone in Scotland, regardless of their sexual orientation or gender identity, is safe from being subjected to these practices.¹

The Scottish Government’s 2021-22 Programme for Government (PfG) made the commitment to “protect LGBT people from harm by banning the damaging promotion and practice of conversion therapy, bringing forward legislation that is as comprehensive as possible within devolved powers by the end of 2023, if UK Government proposals do not go far enough.” This commitment is mirrored in the Bute House Agreement and has been reiterated in the 2022-23 Programme for Government.²

The Equalities, Human Rights and Civil Justice Committee carried out substantial work on the issue of conversion practices, following the lodging of Petition PE1817: End Conversion Therapy, which called on the Scottish Parliament “to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland”.³ The Committee published a [report and recommendations](#) on 25 January 2022. This report builds on the Committee’s work. We expect the Scottish Government to use both our work and that of the Committee, as well as other already available evidence and research, including available research from the UK Government and other organisations, to inform their approach to ending conversion practices in Scotland.

We held our inaugural meeting on 31 March 2022 and met eight times through to 23 August 2022. The Group was made up of individuals who are experts in their fields from LGBT+ organisations, faith and belief organisations and communities, as well as experts in mental health, the

¹ The Group prefers to use the term "conversion practices", recognising both the breadth of the practices and the fact that conversion is not a “therapy”. The term “conversion practices” will therefore be used throughout the rest of the report.

² [A Fairer, Greener Scotland: Programme for Government 2021-22 - gov.scot \(www.gov.scot\)](#)
[Supporting documents - Scottish Government and Scottish Green Party: draft shared policy programme - gov.scot \(www.gov.scot\)](#)
[A stronger and more resilient Scotland: the Programme for Government 2022 to 2023 - gov.scot \(www.gov.scot\)](#).

³ [End Conversion Therapy - Petitions \(parliament.scot\)](#).

law, human rights, academia and people with personal lived experience of conversion practices.

We carefully examined and discussed the issues in the Group's remit and have compiled this report, guiding principles, and related recommendations to advise the Scottish Government on actions to take in order to end conversion practices in Scotland.

Minutes and papers from the Group can be found [on the Scottish Government website](#).

The UK Government made a commitment in July 2018 to “eradicate the abhorrent practice of conversion therapy”. In May 2021, the UK Government announced measures would be brought forward to ban conversion therapy in the Queen’s speech.

The UK Government then launched a consultation on banning conversion ‘therapy’ on 29th of October 2021, which closed on 4th of February 2022. It is understood that the UK Government intends to publish the response to this consultation later this year. The UK Government has also stated that its plans to introduce a ban on conversion ‘therapy’ in England and Wales would cover practices intended to change a person’s sexual orientation, but would not cover practices intended to change a person’s gender identity.

Document Structure

This report offers 32 guiding principles to the Scottish Government on measures to end conversion practices in Scotland. Each guiding principle is intended to work towards a holistic and inclusive end to conversion practices in Scotland. The work of the Group is trans-inclusive. Both measures under criminal law and measures outside criminal law (which we refer to in some instances as civil measures) must be trans-inclusive.

The guiding principles offer a clear framework to guide the Scottish Government in its approach to developing measures under criminal law, and measures outside criminal law, to end conversion practices. These principles are descriptive in nature and are supported by context and insight which explains the reasoning and background behind each principle. We believe that they are key to developing the Scottish

Government's work on conversion practices and we therefore hope that all guiding principles will be followed.

The recommendations in the Annex at the end of this report are intended as a set of more prescriptive recommendations to the Scottish Government and set out how the Group envisages the guiding principles taking shape within legislation and other civil measures.

Guiding Principles

Conversion Practices in the Context of Human Rights

Guiding Principles on Human Rights

1. The Scottish Government's approach to conversion practices must consider the human rights of LGBT+ people

The Group considers that the underlying purpose of ending conversion practices is to ensure that everyone can participate in a society in which they can freely live and express their sexual orientation and gender identity. For LGBT+ people, the full realisation of their human rights cannot be achieved while practices intended to limit, suppress, or eradicate their sexual orientation, gender identity, expression of sexual orientation and/or expression of gender identity are legal.

We agree with the UN Independent Expert on Sexual Orientation and Gender Identity that effective measures need to exist to ensure that LGBT+ people have the opportunity to find happiness through the fulfilment of aspirations connected to the orientation and identities that are inherent to them.⁴

We also support the view of the Scottish Human Rights Commission that the very existence of conversion practices in our society promotes a culture in which LGBT+ people are seen as needing to be 'cured', thereby undermining the dignity of all LGBT+ people. As the Commission has stated: putting an end to conversion practices is therefore necessary to uphold and protect the fundamental rights of life, health, equality, and freedom from cruel, inhuman and degrading treatment of LGBT+ persons.⁵

The Group considers that the first step to achieve this, and to comprehensively end all forms of conversion practices, is for the Scottish legislation on conversion practices to recognise the inherent right to be able to freely live and manifest one's sexual orientation, gender identity, expression of sexual orientation and gender expression.

⁴ Report of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, (17 July 2019), A/74/181, para. 61.

⁵ Scottish Human Rights Commission, Submission: End Conversion Therapy, Call for Views Petition PE1817 (13 August 2021).

It is also noted that the legislation on conversion practices is situated within a broader international and domestic legal framework. In developing legislation against conversion practices, the Scottish Government must be guided by the human rights treaties that have been ratified by the United Kingdom, and by which the United Kingdom is legally bound, as well as the Human Rights Act 1998 and the Scotland Act 1998. While the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) do not expressly refer to LGBT+ rights, such rights are recognised in the case law of the European Court of Human Rights and in the decisions of the United Nation's Human Rights Committee. The Yogyakarta Principles further set out considerations on the application of international human rights law in relation to sexual orientation and gender identity.⁶ The Group notes that the human rights treaties confer negative and positive obligations on the States Parties and that a duty to act to prevent human rights violations may therefore exist even where private parties have acted.

Legislation to end conversion practices should also be underpinned by a clear recognition of the rights of LGBT+ people in Scotland. The Scottish Government should therefore also consider how to ensure that specific rights for LGBT+ people in Scotland are strongly protected in the new Human Rights Bill for Scotland.

2. Conversion practices infringe the human rights of individuals

The Group notes that conversion practices infringe a broad range of the human rights of individuals.⁷

We would like to draw particular attention to the violation of the right to be free from discrimination and free from non-consensual medical treatment. Conversion practices can also violate the prohibition of torture, cruel, inhuman and degrading treatment.

⁶ Yogyakartaprinciples.org – [The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity](#).

⁷ These include the right to respect for private and family life which includes the right to personal autonomy, sexual orientation and gender identity (Article 8 ECHR); the right to health (Article 12(1) International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 8 ECHR); freedom from torture, inhuman/degrading treatment (Article 3 ECHR); freedom from discrimination (Article 14 ECHR); the right of the child to protection from physical and mental injury, abuse and neglect (Article 19(1) United Nations Convention on the Rights of the Child (UNCRC)); the right of children to preserve their identity (Article 8(1) UNCRC); the right of the child to freedom from torture (Article 37(a) UNCRC); and the right to life (Article 2 ECHR).

Freedom from discrimination and from non-consensual medical treatment are rights which are recognised in the European Convention on Human Rights and the case law of the European Court of Human Rights respectively. Freedom from torture, cruel, inhuman and degrading treatment is an absolute right under Article 3 of the European Convention on Human Rights. The Group therefore considers that legislation criminalising conversion practices must be guided by the international legal prohibition of discrimination and torture.

The Group also considers that conversion practices create a pattern of structural discrimination that can have an effect on the rights of all LGBT+ people.

3. The rights of the child must be considered

The Group is concerned that victims of conversion practices are often children and young people. The rights of children to be free from all forms of physical or mental violence, injury or abuse are guaranteed under the United Nations Convention on the Rights of the Child (UNCRC) and the Group considers that conversion practices are capable of violating these rights.

The Group considers that the implementation of the UNCRC Incorporation Bill (Scotland) will help to ensure that the full and holistic end of all forms of conversion practices goes hand in hand with the full realisation of children's rights.

4. Consideration that a ban on conversion practices does not constitute an unlawful restriction on freedom of religion or freedom of expression

The Group does not consider that a ban on conversion practices leads to an unlawful restriction of freedom of religion or freedom of expression. Numerous religious groups have declared their support for the prohibition of conversion practices.

Freedom of religion is enshrined in Article 9 of the European Convention on Human Rights and freedom of expression in Article 10. They are not absolute rights and can be restricted in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others if that is necessary in a democratic

society.⁸ Where religion or expression is manifested in such a manner that they create the potential of significant harm to others, as in the case of conversion practices, a prohibition of these practices is justified and indeed necessary for the protection of the rights of the affected persons.

The Group considers that legislation criminalising conversion practices must be guided by international and domestic human rights laws in relation to freedom of religion and belief and freedom of expression.

5. The balancing of rights

In light of the grave impact that conversion practices have on the human rights of the victims, and taking into account that freedom of religion and freedom of expression are not absolute rights, the Group considers that the balancing of the interests and rights affected by a ban on conversion practices leads to the conclusion that the criminalisation of the relevant practices is necessary in a democratic society. It is a proportionate way of protecting the interests of the victims and does not unlawfully interfere with the human rights of the providers of conversion practices.

⁸ Article 9(2) ECHR and Article 10(2) ECHR.

Definition

Guiding Principles on Definitions

In the Terms of Reference, we were asked to consider a definition of conversion practices. In doing so, we discussed a range of activities and practices that fall within the concept of conversion practices. In exploring the reality of conversion practices, it is clear that “conversion practices” is not a term with a universal objective definition and there is currently no one clear definition that accounts for all practices.

Other bodies, such as the United Nations Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity; jurisdictions (including the Australian state of Victoria and the Republic of Ireland) and documents (the Memorandum of Understanding on Conversion Therapy in the United Kingdom), have provided definitions of conversion practices or aspects thereof.⁹ We have considered these different approaches when formulating our recommendations on the definition.

Below we set out the key elements that we consider should fall within the definition of conversion practices in Scotland and be addressed within the Scottish Government’s commitment to ending conversion practices. We have been guided by the aim that the definition of conversion practices should ensure a wide coverage of all practices, known and unknown forms of conversion practices, future-proofing this legislation and ensuring that all acts are covered in the law.

6. A clear and inclusive definition

The definition of “conversion practices” should be clear and inclusive.

A clear and inclusive definition of what constitutes conversion practices will allow the necessary and appropriate support to be provided to those who need it, and for there to be no doubt for those undertaking conversion practices that their actions are prohibited. It also ensures that legislative and other actions to end conversion practices encompass all of the harmful conduct.

The definition should be consistent across sexual orientation and gender identity and must be wide enough to encompass all acts and practices that seek to change, suppress, or inhibit someone’s sexual orientation,

⁹ [Memorandum of understanding on conversion therapy in the UK \(bacp.co.uk\)](https://www.bacp.co.uk/memorandum-of-understanding-on-conversion-therapy-in-the-uk)

expression of sexual orientation, gender identity or gender expression. We believe that it is important to explicitly include suppression within the definition as perpetrators of conversion practices may claim that they know that they cannot change someone's sexual orientation, expression of sexual orientation or gender identity and/or gender expression, but they believe they may suppress them. The practice of suppression is equally as harmful. In addition, the intention behind the practice might change over time. For example, someone may begin with trying to convert and/or change another individual and then move to suppression.

A comprehensive definition must include practices which target the expression of a person's sexual orientation or gender identity as well as or in addition to the identity or orientation itself.

The definition must also explicitly state that consent cannot be given to conversion practices, further details on the inability to consent to conversion practices are detailed under Guiding Principle 7.

Recommended Definition of “Conversion Practices”

The Group recommends that the Scottish Government adopt the following definition of conversion practices:

- **'Conversion practices'**: refers to any treatment, practice or effort that aims to change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression. A person cannot consent to conversion practices being carried out against them.
- **'Gender expression' and 'expression of sexual orientation'**: refers to each person's manifestations of their gender identity and/or sexual orientation, and/or the one that is perceived by others
- **'Gender identity'**: refers to each person's internal and individual experience of gender, which may or may not correspond with their sex assigned at birth, including their personal sense of the body (which may involve, if freely chosen, modification of bodily appearance and/or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms
- **'Sexual orientation'**: refers to a person's emotional, affectional and sexual attraction to persons of a different gender, the same gender or more than one gender and includes the lack of such attraction or relations

Further explanation of the terms used in our definition is provided below.

- **'To change'**: When the Group suggests the term 'change' it refers to practices which seek to alter or modify a person's sexual orientation or gender identity, expression of sexual orientation and/or gender expression.
- **'To suppress'**: When the Group suggests the term 'suppress' it refers to practices which seek to put an end to, restrain and/or prevent the development or the manifestation of another person's sexual orientation, gender identity, expression of sexual orientation and/or gender expression.
- **'To inhibit'**: When the Group suggests the term 'inhibit' it refers to practices which seek to hinder, restrain, prevent or prohibit, a person's sexual orientation, gender identity, expression of sexual orientation and/or gender expression.

7. Consent and coercion

We are clear that, as they constitute a human rights violation, it is not possible for individuals to genuinely consent to conversion practices being carried out against them. In line with the report of the Equalities, Human Rights and Civil Justice Committee, we believe that allowing for consent to conversion practices is a dangerous approach which will leave many people vulnerable to abuse.¹⁰ As a result, the legislation should be clear that it includes conversion practices with or without consent.

We believe that the most effective way to express this is within the definition of conversion practices itself, by not requiring an absence of consent or providing an exception for consent. However, the inability to consent should also be reflected in the proposed criminal offence.

We are aware that people who are subjected to conversion practices can experience coercion which can lead to a perception of consent to conversion practices. In a similar vein to coercive control within domestic abuse situations, a victim may be coerced into agreeing to be subjected to such practices. This further supports the importance of not allowing for consent as well as the importance of the Government taking into account the risk of coercion faced by potential victims. The question of coercion is addressed in more detail below in the context of the criminal offence.

8. Intent

Our proposed definition requires that conversion practices be carried out with the intent of changing, suppressing and/or eliminating a person's sexual orientation, gender identity and/or gender expression. The definition of conversion practices should not limit the practice to those who genuinely believe that the relevant change of sexual orientation, gender identity and/or gender expression is possible and desirable, nor should it require an intent to cause harm.

The United Nations Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity defines conversion practices as:

"an umbrella term to describe interventions and acts of a wide-ranging nature, all of which have in common the belief that a person's sexual orientation or gender identity can and should be changed. Such practices aim (or claim

¹⁰ [Report on Petition PE1817: End Conversion Therapy | Scottish Parliament](#)

to aim) at changing people from gay, lesbian, or bisexual to heterosexual and from trans or gender diverse to cisgender".¹¹

In practice, however, those carrying out conversion practices may do so for a number of different reasons and with a range of motivations, for example, commercial providers who seek financial gain. Conversion practices can therefore be carried out not only by those who genuinely believe that the relevant change is possible and desirable, but also by those who are motivated by different reasons.

As a result, we do not recommend adopting the definition used by the United Nations Independent Expert because it requires a belief that a person's sexual orientation or gender identity can and should be changed.

We also believe that the existence of a specific intent to cause harm, malice or ill-will is not required for an act to be considered a conversion practice and should therefore not be included as part of the definition. Nor should there be any requirement that the provider sought to cause harm to the victim or potential victim.

9. Exceptions

The Group has decided not to include exceptions in the definition of conversion practices. Exceptions carry the danger of limiting the protective scope of the definition and of facilitating the addition of grounds that permit conversion practices. The Group therefore recommends that exceptions do not form part of the law against conversion practices and that this is possible through using an appropriate definition.

In this regard, the Group notes that it is not necessary to provide an exception for affirmative care, as defined below (i.e., approaches to healthcare delivery in which the providers recognise, validate and/or support a person's gender identity, sexual orientation and/or gender expression).

These approaches would not fall within the definition of conversion practices because they do not seek to change, suppress and/or eliminate a person's sexual orientation, expression of sexual orientation, gender identity and/or gender expression.

¹¹ [United Nations Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity – Report on Conversion Therapy](#)

Background Note: Considerations regarding healthcare provision and other care and support

In considering and developing the definition of conversion practices, the Group discussed the question of 'affirmative care' and how this would relate to the definition.

"Affirmative care" within health care refers to an approach that validates and supports the identity and lived experience expressed and stated by an individual. It is non-directive – a healthcare professional will take an unobtrusive role so that free expression is encouraged.

The Group recognises the value and important role of affirmative support, healthcare provision and familial or pastoral care. Facilitating, enabling or encouraging efforts which take place in a supportive and affirmative environment, and are led by the other person's autonomous decisions, are not conversion practices in accordance with our definition as they do not seek to change, suppress or inhibit that person's sexual orientation or gender identity.

This would include, for example, providing a safe space for someone to explore their sexual orientation, expression of sexual orientation, gender identity and/or gender expression in a safe and non-judgmental way; providing support and understanding in helping with self-acceptance; facilitating coping skills and social support or assisting someone who was undergoing or considering undergoing gender reassignment.

When considering whether something falls within conversion practices, it is necessary to look beyond the label or terminology used and consider the specific context. For example, practices named as therapy or other forms of care, including "pastoral care" that do seek to change, suppress or inhibit sexual orientation, expression of sexual orientation, gender identity and/or gender expression, will fall within the definition of conversion practices.

The Group, for reasons outlined above with regards to exceptions within definition, does not believe there is a need for affirmative healthcare provision exceptions to be provided within legislation. If the definition of conversion practices is correct within the legislation, there will be no need to defend or exempt healthcare provision that does not seek to change, suppress, or inhibit sexual orientation, expression of sexual orientation, gender identity and/or gender expression as it will not fall within the definition of conversion practices.

Measures under Criminal Law and Enforcement Mechanisms

Guiding Principles Regarding Measures under Criminal Law and Enforcement Mechanisms

It is strongly felt by the Group that the ending of conversion practices requires not just criminal law but also measures of administrative and civil law. While these are addressed separately from measures under criminal law in our guiding principles, we strongly believe that they must also be drafted into legislation.

The criminalisation of conversion practices sends a clear signal that they are not acceptable in Scotland.

10. The content of the criminal offence

We recommend that the commission of conversion practices, falling within the definition set out above, should be a criminal offence in Scotland. The criminal offence should encompass any of the acts within the definition, for example, a treatment, practice or effort. It should include both an individual act and a series or accumulation of acts which might not individually be thought to be a practice, but together amount to a conversion practice when undertaken with the intent to change, suppress or inhibit someone's sexual orientation, sexual expression, gender identity and/or gender expression. If the treatment, practice or effort is not directed and not intended to change, suppress or inhibit sexual orientation, expression of sexual orientation, gender identity and/or gender expression, it should not be criminal.

We understand that conversion practices are not normally carried out by lone individuals but usually with the support of others, whether that be family or community members, faith organisations or other organisations providing services aimed at sexual orientation or gender identity conversion. As a result, the criminalisation of conversion practices should not only include the carrying out of the practices themselves, but should also include offering, promoting, advertising or referring a person for the purpose of conversion practices. This will have the effect of capturing the range of conduct that accompanies the actual performance of conversion practices and of addressing the community and faith contexts that support and galvanise these practices.

We believe that the existence of specific intent to cause harm, malice or ill-will is not required for an act to be considered a conversion practice and therefore a criminal offence. Nor should there be any requirement that the perpetrator sought to cause harm to the victim or potential victim, as explained further below. We have addressed this by ensuring that the definition of conversion practices does not require an intent to cause harm. The Group also agrees with the Equalities, Human Rights and Civil Justice Committee that consent of the victim is not to be a defence to the carrying out of conversion practice.

Many victims of conversion practices have described a series of controlling or coercive behaviours and acts which may cumulatively amount to conversion practice. This can include curfews for young people, restricting access to transport or spaces, gatekeeping access to healthcare, discouraging disclosure or discussion – all done with the intention of suppression, change or inhibition of the person’s sexual orientation, expression of sexual orientation, gender identity and/or gender expression. This can be compared to coercive control in a domestic abuse context. However, current domestic abuse legislation does not cover conversion practices in relation to gender identity, sexual orientation and/or gender expression and is limited to control by ‘partners’ or ‘ex-partners’.¹² We therefore recommend that the Scottish Government consider the inclusion of coercive control as a form of conversion practice as a criminal offence within the proposed legislation.

11. Removal from Scotland

We are also concerned about individuals being removed from Scotland (whether elsewhere in the United Kingdom or overseas) for the purpose of undergoing conversion practices and believe that this should be included in the criminal acts. We are particularly concerned about victims being removed to a jurisdiction where conversion practices are not yet prohibited. Attention is drawn to the fact that such removal may often be done under false pretences, for example, to deal with trauma, addiction, or for family purposes.

We therefore recommend that it should be a criminal offence to remove someone or aid in removing someone from Scotland to be subject to conversion practices anywhere else in the world. This would fall under our proposed definition of conversion practices. As outlined above, the offence should cover those being taken out of the country for the

¹² Domestic Abuse (Scotland) Act 2018.

purposes of conversion, regardless of guise. The offence should also include those who aid, abet or otherwise facilitate someone being taken outside Scotland for the purpose of carrying out conversion practices on them where this is done with knowledge of the intended principal offence.

12. Superiors

Recognising that conversion practices often happen within institutional or organisational contexts, we believe that the legislation should also be clear that criminal responsibility extends to persons who do not directly carry out the conversion practices themselves, but direct another person or subordinate to do so or allow a subordinate to do so.

This takes into account that, especially in situations where conversion practices are carried out within a larger organisation, persons at several levels of a hierarchy may be involved. In these cases, those higher up within the organisation should also bear criminal responsibility. As well as including direct orders to carry out conversion practices, this should also include situations where the superior is aware that such acts are being committed or should have been aware of them, based on the facts of the situation.

13. No defence for consent

As outlined above, because conversion practices violate a range of human rights, we do not believe that the criminal offence should allow any defence of consent of the victim, whether explicit or implied.

In a context where a person is reliant on family, faith, or community leaders, and is led to believe that who they are is in some way wrong, they are vulnerable to coercion. This can include fear of violence, psychological oppression or abuse of power or through taking advantage of a coercive environment. As a result, it can appear that the person consents or agrees to engage in conversion practices in order to minimise discomfort or alienation within their community or family. This will affect different communities in different ways and may look different depending on contexts. We discuss this further, below, in the set of guiding principles looking at diverse experiences of conversion practices.

14. Intent and harm

The Group believes that the existence of specific intent to cause harm, malice or ill-will is not required for an act to be considered a conversion practice, beyond the intent to change, suppress or inhibit sexual orientation, expression of sexual orientation, or gender identity and/or gender expression. Nor should there be any requirement that the provider sought to cause harm to the victim or potential victim. If the practice is not directed and not intended to change, suppress or inhibit sexual orientation, expression of sexual orientation, or gender identity and / or gender expression, it does not fall under the definition of conversion practices and is therefore not criminal.

For the purposes of criminalisation, the requirement should be that the perpetrator intended the treatment, practice or effort that took place. It is not required that they consider their conduct to amount to conversion practices, and the assertion that they did not consider it conversion practices themselves, is not a defence.

In this regard, the definition of conversion practices should not limit the practice to those who genuinely believe that the relevant change of sexual orientation, gender identity, expression of sexual orientation and/or expression of gender identity is possible and desirable. In some cases, people who carry out acts or practices that would fall under the definition of conversion practices may not view these acts as either harmful or as attempting to change someone's sexual orientation, gender identity, expression of sexual orientation and/or gender expression but rather as helping or supporting them. However, we believe that this motivation should not be relevant and that there need not be a specific intent to cause harm for the act of conversion practices to be a criminal offence.

15. Survivor autonomy

While we believe that the criminalisation of conversion practices is essential, we also think that the wishes and interests of the victims are an important factor in determining the consequences of the criminalised acts. Survivors of conversion practices have made it clear to the Group that criminal prosecution will not always be the appropriate consequence as it may lead to further alienation from community and family. The Group supports a victim-led approach to responding to individual cases of conversion practices and this is one of the reasons that we have recommended the establishment of a set of civil measures, discussed below. One of the main purposes of these measures is to integrate and take full account of the wishes of victims in deciding the appropriate

response to a case or situation, for example in deciding whether and how to investigate. Our recommendation provides for the possibility of an independent Commission to launch an investigation at the request of a victim. Where such a request does not exist, the Group recommends that the Crown Office and Procurator Fiscal Service or the Commission resort to investigation only in cases of public interest.

16. Appropriate sentencing

The sentences for the criminalised acts need to be appropriate but the precise determination of the sentence will have to be done on an individual basis, considering the relevant aggravating and mitigating factors.

The Group recommends that a higher sentence be imposed in certain situations. These are cases constituting aggravated forms of conduct. Three such situations are envisaged:

1. the causation of serious bodily or mental harm (where the perpetrator intended such harm, was aware of its likely occurrence or should have been aware of its likely occurrence)
2. the performance of conversion practices on a child
3. the performance of conversion practices on a person in a situation of vulnerability, for instance, persons with mental disorders and persons who are in a situation of dependence (where the perpetrator was aware of the situation of vulnerability)

In relation to conversion practices on children and on persons in a situation of vulnerability, it is sufficient that the perpetrator was aware of the age or the situation of vulnerability. For the causation of serious bodily or mental harm, it is sufficient that the perpetrator should have been aware of the likely occurrence of such harm.

17. Vulnerability of victims

In the context of conversion practices, vulnerability is understood to include persons with mental disorders as per the definition included in s. 328 of the Mental Health (Care and Treatment) (Scotland) Act, as well as persons in situations of dependence.¹³

While we appreciate that all potential victims and survivors of conversion practices should be considered as vulnerable, we believe that a particular situation of vulnerability exists where the survivor is dependent

¹³ [Mental Health \(Care and Treatment\) \(Scotland\) Act \(2003\) asp 13.](#)

on the perpetrator for material safety, shelter, money, food and clothing etc. Vulnerability can also arise in instances when someone's sense of self is challenged by their support network, community or family/guardians or where coercion, manipulation and abuse have been employed in the conduct of conversion practices.

18. Children subject to conversion practices

In addition to the possibility of an increased sentence, the Group recommends that, where the perpetrator of any of the criminalised acts has parental or guardianship rights in relation to the victim, the legal consequences may include the modification or withdrawal of such rights.

Where parents or guardians have engaged in conversion practices, the modification or even withdrawal of their parental or guardianship rights is envisaged as an option. This will not apply in all cases of conversion practices, and it is important that in these difficult situations the concerns of the victim are taken into account. Some cases of conversion practices performed by parents or guardians are, however, severe and/or persisting, and in those situations in the interests of the victim, it is unavoidable that this sanction is available.

19. Public authorities and support of organisations engaging in conversion practices

Public authorities have a duty to ensure that no form of support, whether direct or indirect, is given to persons or organisations that carry out conversion practices. The Group recommends that authorities make sure that no public facilities, for example a public hall, are provided for any of the criminalised acts and that organisations which have been found to have been engaging in any of the criminalised acts do not receive preferential tax status, for example, linked to charitable status, or benefit from public subsidies. Where this is the case, Scotland is under a responsibility to cease the relevant support.

20. Malpractice in health care and conversion practices

The Group notes that conversion practices may be carried out by healthcare professionals, for instance by a psychiatrist. Where that is the case, conversion practices involve questions of professional standards. Where the perpetrator of any of the criminalised acts is a healthcare professional, the legal consequences should include the option of the withdrawal of the perpetrator's professional licence.

21. Conversion practices in faith and religious institutions and charities

The Group recommends that, where the perpetrator of any of the criminalised acts is a faith leader or a member of a religious institution, the legal consequences may include the withdrawal of the perpetrator's professional licence as a faith leader or removal of ability to work within Scotland in said institution, or withdrawal of the institution's charity status where the institution is not otherwise regulated.

Measures outside Criminal Law

Guiding Principles Regarding Civil and Other Measures outside Criminal Law

The concept of creating a Commission to deal with conversion practices is inspired by the Change or Suppression (Conversion) Practices Prohibition Act 2021 of the State of Victoria (Australia).¹⁴ This Act gives the Victorian Equal Opportunity and Human Rights Commission certain specific functions and powers with the aim of ending conversion practices, for example, investigative powers. There are some distinct advantages to giving targeted powers to a legal body: it provides sensitive and dedicated support to victims and potential victims, but also allows the Commission to have options that the criminal justice system alone could not provide. We are aware that, in the Scottish context, there are already bodies that may be well suited to carry out at least some of the tasks that we have recommended be vested in a Commission. When referring to 'the Commission' we therefore mean either a single commission invested with all of these functions and powers, or another body which is given a specific responsibility, for example National Human Rights Institutions, Regulators, Inspectors and Ombudsmen, Non-departmental Public Bodies, Scottish Government and executive bodies, grassroots and LGBT+ organisations.

We believe the Scottish Government should carefully consider whether it would be better to allocate these measures to a range of bodies or to keep them within one institution. Considerations include resources, accessibility of the relevant institution to victims, the need to avoid unnecessary duplication of work and good communication between bodies dealing with various measures, for example those dealing with research measures and those dealing with education.

We are aware that there are limitations of powers across National Human Rights Institutions for varying reasons. If the responsibilities proposed below were vested in the Scottish Human Rights Commission, it would require significant new powers. There are also limitations on the Scottish Government's ability to bestow new powers on National Human Rights Institutions. In compliance with the United Nations Paris Principles, new powers should be agreed with the relevant National Human Rights Institution to ensure its independence.

¹⁴ [Change or Suppression \(Conversion\) Practices Prohibition Act 2021 \(legislation.vic.gov.au\)](https://legislation.vic.gov.au)

In addition to these measures, it is important that civil liability for natural and legal persons who are engaging in conversion practices is established, as well as the right of victims of conversion practices to initiate legal proceedings against the providers of conversion practices in order to obtain redress and compensation.

22. Civil measures must be legislated for as an interface between victim and measures under criminal law

We are resolute in the belief that, in order to see an end to conversion practices, civil measures must be written into legislation to ensure that there is sufficient resource and planning to enable success. At their core, these civil measures will act as the interface between those affected by conversion practices and the criminal justice system. To be successful in ending conversion practices, there must be collaboration between areas of criminal law and civil measures. This interface must be culturally competent and allow complete autonomy of the survivor and/ or potential victim as well as provide for safe mechanisms of engagement prior to measures under criminal law and throughout investigation. These measures should also consider the diverse experiences of potential victims and survivors of conversion practices, including the experiences of LGBT+ people of colour and minority ethnic faith communities. They must be trauma informed and recognise the significant mental and physical harm caused by conversion practices.

23. Civil measures must target conversion ideology and anti-LGBT+ sentiment

LGBT+ conversion ideology, both didactic and non-didactic, is insidious and harmful and takes root in societies. We feel that legislation will only succeed in ending conversion practices if it includes civil measures that can get to the root of this ideology. Open conversation about conversion ideology, especially as part of anti-conversion practices advocacy, is important.

The Victorian Law focusses on the intention of the practice rather than the form or manner in which the practice is performed. We recommend a similar approach in Scotland.

24. Key objectives of the civil measures

It is vital that civil measures include actions in a range of areas, each of which tackles conversion practices in a different way.

The civil measures must be designed and implemented in a way that takes into account the sensitive context in which conversion practices often take place. They should therefore be informed by the following principles:

1. confidentiality: in order to safeguard the interests of the victims
2. human rights: both of victims and of those suspected of carrying out conversion practices, for example, the right to a fair trial under Article 6 in the European Convention of Human Rights
3. the wishes of victims, potential victims and victim communities: in certain cases, such as systemic conversion practices, affecting a multitude of victims, the interests of victims may have to be balanced against the public interest in an investigation

The civil measures should address the following:

24.1 Education

This covers general education, including outreach programmes, and targeted education for providers of conversion practices (see guiding principle 24.5).

The Commission would provide general education to the public, including the concept of conversion practices, the fact that such practices have no scientific basis and the dangers and harm that result from their performance. They should also inform about matters of sexual orientation, gender identity and gender expression in general.

The Commission would also be responsible for outreach programmes, which would help to create an environment which is no longer informed by prejudiced views. Educative outreach would work with the LGBT+ sector to ensure that people are aware of conversion practices as part of wider work already carried out on LGBT+ visibility. While the Scottish Government has already committed to LGBT+ inclusive education there need to be additional measures ensuring awareness of conversion practices.

24.2 Research and academic project

We recommend the establishment of an international academic project, which would carry out an evaluation of conversion practices across a range of jurisdictions, amongst other research. This would support the Commission's work by providing insights from the way other jurisdictions have dealt with conversion

practices and would help to inform other work to end conversion practices. This is an area which is still underexplored due to the relatively recent laws on conversion practices. An academic project can not only identify 'best practices', but also engage in research that a government body may find more difficult to deal with – for instance, by providing a critical analysis of the strengths and weaknesses of approaches to conversion practices in other states.

24.3 Survivor support measures

The Group stresses the importance of survivor support measures that are holistic, targeted and competent. Our Group had several members with lived experience of conversion practices who provided much needed insight into the real-life experience of these harmful practices, and the support that survivors and/or potential victims/people who may be vulnerable to conversion practices and its ideology may need. These members recommended focusing on person-centred and trauma-informed care – ensuring that the impact of conversion practices is considered for diverse people who have experienced conversion practices across diverse spaces, settings and cultures – and that support measures reflect this. We believe that survivors should help to shape the development of these support measures, given their experiences. It is vital to recognise that conversion practices have a significant harmful impact, and this should be considered when developing civil measures. Key messages from survivors include that:

- There is a life-long, and often, debilitating impact of conversion practices including shame, trauma, re-traumatisation and lack of support.
- There is a negative impact of conversion practices on personal relationships, career choices and in every aspect of life. Survivors have difficulty building a life after conversion practices.
- There is a long, often life-long, process of healing.
- There is a lack of informed and competent help as therapists often do not have a full understanding of conversion practices and their effect.

Survivor support measures must:

- Be holistic, trauma informed and person centred. Individual experiences of conversion practices are diverse and support measures must acknowledge this.

- Ensure that therapeutic professionals are informed and competent and free mental health/therapeutic support is available – some survivors have had to make difficult life-decisions often setting them back or on to a different life course with financial implications and placing a strain on working and social life.
- Train professionals – resource and invest in survivor-led training which will ensure that professionals have an adequate understanding of lived experiences of conversion practice survivors. Existing evidence suggests that any support for victims and survivors of conversion practices will need to be specialist. Further training for professionals in this field will be beneficial if it is trauma informed, resourced and led by those with lived experience. The survivor sub-group echoed this.
- Support service provision - mental health services, religious bodies, services for children and young people (including education), and other professional bodies should be supported to provide appropriate services to people seeking support in relation to conversion practices.
- Provide education on the harm caused by conversion practices and on the new legislation – for faith leaders, congregation, communities, youth leaders, teachers and healthcare professionals.
- Provide emergency support – for those escaping from conversion practices. This could be linked to existing measures in a local authority for situations where emergency housing and finance may be required. Existing services often do not make room for those who are perceived to "actively" "make" themselves homeless. For the survivors on the Group, it is important to recognise that, as per their personal experiences, parents/guardians may not concede that they have “made their child homeless”. However, it is often the case that leaving the family home is a felt obligation by the victim of conversion practices. For many this is not felt as a choice but a necessity.¹⁵

¹⁵ The Group highlights the work of the England-based Albert Kennedy Trust (AKT) as an appropriate model of support. AKT supports young people who are facing homelessness or living in hostile environments. They support them into safe homes, employment, education and training in a welcoming, safe and open environment that celebrates LGBT+ identities. They help people stay safe, find emergency accommodation, access specialist support, develop skills, etc. They do this by providing access to advice from one of their housing specialists, a one-to-one mentor support, and access to their emergency support pack or tenancy starter pack, accommodation with a specially trained AKT host, and more.

- Highlight safeguarding of children and adults – the Group’s survivor sub-group recommended that issues relating to conversion practices be raised as a potential safeguarding issue for teachers to be aware of. This would also be beneficial for a broad range of institutions.
- Provide mediation and/or reconciliation – mediation between willing survivors and perpetrators to engage in conflict resolution, rehabilitation and preventative measures may be beneficial. This should include an impartial mediator, for the benefit of the survivor.
- Provide capacity building and support for victims and survivors of conversion practices.
- Provide support and resourcing – for grassroots LGBT+ organisations to provide holistic support for victims, rather than shifting the burden onto mental health services or the criminal justice system.
- Provide post-legislative culturally competent and intersectional targeted support and resourcing for organisations that support people of colour and black minority ethnic LGBT+ people who have experienced or are at risk of experiencing conversion practices
- Awareness campaigns – both national and local targeted campaigns across media, recognising that these campaigns will look different in urban and rural areas.

24.4 Support measures within medical institutions

We believe that there should be awareness-raising of conversion practices for medical practitioners and staff in medical institutions, which is resourced, to ensure that there is competent and appropriate holistic support for survivors of conversion practices. This needs to be informed by those with lived experience, who can also look at this work through an equality lens.

Conversion practices result in lasting psychological harm, which includes emotional and/or spiritual crisis, and can result in depression, low self-esteem, anxiety, suicidal ideation, post-traumatic effects including post-traumatic stress disorder, sexual dysfunction, guilt, shame, self-loathing and crisis of identity. There may, in many cases, be a need for therapeutic work to focus on internalised homo/lesbo/bi/transphobia, guilt and shame. Practitioners must be able to deal with this appropriately and competently and be given support to be able to do so. There is a

risk of re-traumatisation by an unreflective and/or inexperienced practitioner.

Though some of this healing work for those who experienced conversion practices in the context of religion may also need to take place within religious communities/spaces, and much of the work may be done within the LGBT+ community. It is important that the development of support within medical institutions is in collaboration with survivors.

It is important that this support is intersectional and in tandem with not only sexual orientation, gender identity, expression of sexual orientation and/or gender expression, but also with a survivor's religious/spiritual beliefs. It is imperative that psychological support understands and respects all aspects of a person's life experience and identity. This need for a holistic approach respects all parts of a person's identity.

The approach in medical institutions must be trauma informed and encourage:

- Safety for survivors – create areas that promote a sense of safety.
- Trust from survivors – provide clear and consistent information.
- Choice for survivors – provide options for treatment and care.
- Collaboration with survivors – maximise collaboration between health care staff, patients and their families.
- Empowerment of survivors – build upon a patient's strengths and experiences.

It is likely that there will be a need for different services and levels of support for survivors from: the third sector/community (for example, a telephone helpline, support groups, 121 peer support, LGBT+ inclusive religious communities, advice and counselling); primary care level psychological treatments (for example, GP Practice); secondary care level psychological treatments (for example, community mental health teams) and highly specialist services which can assist with complex trauma caused by conversion practices. There must be equal access to this support across Scotland regardless of age, race, disability etc. We also need to consider those that are seldom heard and/or those who may not be aware of this provision or care.

We also acknowledge that practitioners will also need access to specialist supervision and advice where required and this too must be resourced.¹⁶

24.5 Investigation

It is recommended that the Commission (or the relevant authorised bodies) be tasked with investigating reports of conversion practices or to refer matters to the police, and be given the power to compel provision of documents or information. In Victoria, Australia, this responsibility is given to the overarching Commission.

Investigation is by far the most complex of the suggested measures. The Group believes that there must be a way in which victims or the public are able to report conversion practices and for it to be investigated, removing the onus (and potential re-traumatisation or risk) from survivors on to a public body. Anyone would be able to make a report to the Commission, which could then launch an investigation. The Commission may also start such an investigation itself in cases that are particularly serious in nature, for instance, in situations that are systemic or persisting. This takes into account that some victims may in fact not wish for an investigation to be launched (see guiding principle 15 in survivor autonomy).

Once an investigation has started, the Commission (or bodies) would have a wider range of options than would be available under the criminal justice system. In particular, they would be able to offer targeted education to perpetrators of conversion practices; accept a written undertaking from them (for instance, a perpetrator may promise not to continue with the practices) or issue a compulsory notice (e.g. telling a perpetrator to cease these activities). The Commission would also be able to 'facilitate an outcome' with the affected parties – a procedure which must be voluntary on both parts, but which can result in a written agreement. It is suggested that this procedure is not suitable in all cases; it would arguably not be suitable where, for example, a large organisation offers conversion practices on a commercial basis. The Commission would also be able to refer the situation to

¹⁶ It is also recommended that conversion practices survivors are highlighted, alongside LGBT+ people, as an at risk group within current developing work on suicide prevention, self-harm and the wider mental health strategy in the Scottish Government's Mental Health Directorate. LGBT+ people often do not access mainstream mental health services.

the police or Crown Office and Procurator Fiscal Service for further investigation.

24.6 Monitoring

The Commission would also be given the ability to monitor the efficiency of the law banning conversion practices. This function (which is not expressly named in the Victorian Act as a task of the Commission) allows the Commission to explore how the Scottish legislation on banning conversion practices has worked in practice and to collect information on its efficiency.

24.7 Reporting and Documentation

The Commission would be required to submit compulsory annual reports and optional further reports for the purposes of accountability where helpful for the aim of ending conversion practices in Scotland, for example where the documentation of ongoing, but also historic instances of conversion practices in Scotland, are concerned.¹⁷

The Group recommends that the Scottish Government consider the value of recording conversion practices.¹⁸ Registering ongoing instances of conversion practices is not only important for purposes of historical research, it also allows for identifying patterns and organisations involved in these practices as well as establishing a record of conversion practices in the past. In departure from the Victorian Act, this principle also envisages the documentation of historical instances of conversion practices, to establish a record of the performance of conversion practices in the past. The reporting function of the Commission will also ensure accountability of relevant institutions and monitor the effectiveness of the conversion practices legislation.

24.8 ‘Amicus Curiae’

The Commission would be able to give expert testimony before courts or tribunals in relevant cases. The model for this is s. 55 of the Victorian Act. This guiding principle seeks to help courts and tribunals in their proceedings on conversion practices by allowing them to benefit from the expertise of the Commission which may,

¹⁷ The Group recommends that the Scottish Government look to s.56 of the Victorian Act.

¹⁸ The Group recommends the Scottish Government looks at s.19 of the Victorian Act.

for instance, have been active on matters of conversion practices in comparable cases.

25. Telephone helpline

We recommend that there is a free and accessible telephone helpline for support and advice on conversion practices, which could be part of an existing LGBT+ helpline. A helpline would provide valuable support for people undergoing conversion practices or facing the threat of conversion practices. The model for this is the German law on conversion practices, which envisages such a telephone helpline that is also made available in various languages¹⁹.

We appreciate that some helplines (for example, the LGBT Helpline at LGBT Health and Wellbeing and Galop's newly established UK wide conversion practices helpline) already exist. It may be possible to build on these helplines.²⁰ For example, it would be helpful for victims if helplines also provided legal support - this may require additional training.

The telephone helpline may be the first line of contact for a victim or person looking to discuss conversion practices or seeking support. It is vital that staff have expertise and knowledge of conversion practices so that they can signpost the caller to the relevant support. This may be guiding a victim to appropriate emergency support, for example, if a survivor is forced or compelled to leave a domestic situation, they may need to need to access emergency services for temporary housing. Support may also involve advocacy.

26. Publicity and visibility

The usefulness of civil measures and of a helpline is impaired if victims and potential victims do not know of their existence. The Group therefore recommends raising awareness of the legislation banning conversion practices and the help available through the Commission and the helpline. This should include training young people to act as peer educators, who can provide information on conversion practices and work as contact points for victims and potential victims of their own age group. This takes into account the fact that young people tend to be the principal victims of conversion practices and that they will often find it easier to talk to their peers rather than for example, to teachers about

¹⁹ [KonvBehSchG - unofficial table of contents \(gesetze-im-internet.de\)](#)

²⁰ [LGBT Health and Wellbeing Galop - the LGBT+ anti-abuse charity](#)

these matters. The relevant information about the civil measures and the Commission should also be made available via social media channels.

LGBT+ People of Colour and Minority Ethnic Faith Community Experiences of Conversion Practices

Guiding Principles for Ensuring Legislation Protects and Supports People of Colour and Black and Minority Ethnic Communities

The National LGBT survey found that minority ethnic respondents were up to two times more likely to be offered, or to have undergone, conversion therapy than white respondents. Transgender respondents within black minority ethnic and people of colour communities are at even greater risk.

We heard from House of Rainbow, Sarbat Sikhs, Shakti Women's Aid, and The Naz and Matt Foundation that without proper consideration of the impact of measures under criminal law and civil measures upon minority ethnic faith communities and communities of colour, there will be unintended consequences, including risks to victims and survivors of conversion practices within the LGBT+ community.²¹

Having carried out stakeholder engagement and a literature review on conversion practices and the shape that they take in minority ethnic faith communities, and in communities of colour in the UK, we have been able to highlight key themes and develop guiding principles for the Scottish Government to consider, as set out below. The full report which is referenced in the section can be found on the Scottish Government website.

27. Understand risk factors in diverse communities

There are legitimate concerns and feelings of apprehension around reporting of conversion practices in communities which have experienced historical prejudice and discrimination within the criminal justice system. Considerable work will be required within communities to

²¹ [House of Rainbow](#)
[Sarbat Sikhs](#)
[Shakti Women's Aid \(shaktiedinburgh.co.uk\)](#)
<https://www.nazandmattfoundation.org/>

understand these risks, to safeguard, and to provide awareness and understanding about the legislative measures and support available.

Through our evidence gathering sessions, we were made aware that people of colour and those within minority ethnic faith communities tend to experience conversion practices differently to the wider population.

28. Consider suppression, cultural coercion and consent within diverse cultures

People are both ‘pushed’ and ‘pulled’ towards conversion practices (Ogunmuyiwa).²² The ‘push’ often refers to an overarching culture and environment of anti-LGBT+ sentiment, derogatory language, messages, and sometimes accompanied by threats of abuse, force, violence, and coercion. The ‘pull’ refers to factors that make people more likely to want to undergo conversion practices - the desire to be accepted, fit into the norm, to not bring ‘dishonour’ and ‘shame’, and to not feel ‘wrong’ or be isolated from their community.

It is vital to understand the relationship between these factors as it explains why people voluntarily suppress their own identity or ‘consent’ to conversion practices.

Family, faith, and community are an integral part of life and identity for many people of colour and of minority faiths and indeed in all cultures, often being inseparable from their sense of self. According to Sarbat Sikhs, there is a cultural fear of rejection amongst Sikh and South Asian LGBT+ people – this fear of rejection encompasses a fear of losing both one’s faith and one’s family.

Religious and cultural obligations play a huge part in why people may suppress being LGBT+. These norms are enforced and embedded from early childhood, often in subtle ways which impact significantly. The importance of marriage is one such obligation, and forced marriage is often used as a form of conversion practice.

These ideas become cemented in the psyche, meaning that many people ‘self-monitor’ and ‘self-police’ without an explicit force being

²² Banning Conversion Practices in Scotland – Input from Ethnic Minority Communities, Patrick Ogunmuyiwa.

present, for example by abstaining from any relationship if they are LGBT+, attempting to 'be straight', or entering into a forced marriage.

29. Consider reconciliation of sexual orientation, expression of sexual orientation, gender identity, gender expression and religious identity

Being LGBT+ can conflict with religious values and beliefs, causing an internal struggle, with feelings of living a “double life”, and difficulty reconciling these parts of self.

External and internal pressure to conform can create feelings of shame, guilt, anxiety, low self-esteem, feeling “out of place”, uncomfortable, “abnormal” and “bad”, with people feeling like they do not belong or are living fraudulently, as this quote from the LGBT+ People of Colour & Minority Ethnic Faith Experiences of Conversion Practices report demonstrates: “I feel like I’m not a Hindu, I’m not an Indian, I feel like a complete fraud.” This conflict can be a source of “minority stress”, and with few services available that have understanding of this, many people of colour and of minority faiths can feel invisible or unable to access any community or place of support as their whole self.

This internal conflict and difficulty in reconciling being LGBT+ with religious identity acts as a strong pull factor towards consenting to conversion practices.

30. Consider diverse practices and family: honour, dishonour, abuse and shame

Structural organisation of some faiths is not centrally regulated – mosques, Hindu temples and Sikh Gurdwaras are guided by individuals as their own entities. This means that diverse schools of thought can exist, and that some are set up with ideologies analogous with conversion practices. This affects the ways in which conversion practices occur – conversion practices can happen in an unorganised and more hidden setting, for example in a small temple or in a home setting.

Honour, and honour abuse, play a large role in conversion practices within minority ethnic communities. Stakeholder research has informed us that many LGBT+ South Asian Muslim people have their sexual orientation, expression of their sexual orientation, gender identity and/or

gender expression suppressed with the threat of bringing dishonour and shame on their family and/ or honour based abuse, from both immediate and extended family.

Asma, a survivor of conversion practices, described the power of the “continued threat of violence” stating that honour abuse as a form of conversion practice is often couched in manipulation – a way of controlling people with fear from early childhood. Asma explained that thoughts and beliefs become embedded and become hard to overcome, even many years later, leading to seeming ‘consent’ to forced marriage, and suppression/conversion of identity.

It is important to understand how the idea of honour or dishonour may affect reporting of conversion practices. Honour Abuse Research Matrix found that “fear of damaging family reputations and/or being outed within their community [...] lack of police resources to make reporters safe, perceived lack of support, trust or racism from the police” all contributed to underreporting, with a need for greater awareness of the difficulties faced by South Asian LGBT+ people at risk of ‘honour’ abuse and violence in the UK.²³

There is a need to consider the diverse forms that conversion practices take. The types of practices carried out in some spaces, according to research and qualitative stakeholder engagement, can include water boarding, forced marriage, beatings, hitting, burning, ‘black magic,’ corrective rape, isolation, abduction and forced fasting.

31. Consider institutional racism and underrepresentation in policy development

The Group believes that ethnic minority communities tend to be underrepresented in responses to government consultations and design of policy and legislation, as well as in quantitative data collected.

Without full and significant engagement with communities of colour and minority ethnic faith communities on how measures under criminal law to end conversion practices will be shaped, and without allowing for flexible modes of reporting and outcomes, it is strongly felt by stakeholders that LGBT+ people of colour and black and minority ethnic people may be subject to further risk and harm. This includes driving practices more underground, fear of putting one’s community at risk of criminalisation,

²³ [LGBT Honour Report \(2018\).pdf \(uclan.ac.uk\)](#)

and fear of being wrongfully targeted by a police force that we believe historically and currently has issues of institutional racism.

Legislation should allow for confidential engagement and discretion, and needs not to criminalise in the first instance, enabling survivors to choose to engage only with the civil scheme should they wish. The legislation should provide multiple pathways to seek reparation and support, where the potential victim has full autonomy.

32. Consider the need for culturally competent support and capacity building

The LGBT+ sector in Scotland is aware that many LGBT+ people do not access mainstream services and this is particularly true for LGBT+ people of colour and LGBT+ people within minority faiths.

Accredited counsellors and services may lack sensitivities or knowledge around both LGBT+ identities and people of colour, particularly in large mainstream bodies. Very few culturally competent services could or do cater to marginalised LGBT+ people of faith, and many LGBT+ spaces cannot or do not provide this support either.

Secondary barriers to accessing support exist, including some cultural beliefs around mental illness and reaching out for mental health support.

As noted in the LGBT+ People of Colour & Minority Ethnic Faith Experiences of Conversion Practices report services for people of colour and minority ethnic LGBT+ communities are “scarce and are often provided by informal non-profit organisations led by volunteers and community members”, with no or limited funding.

It is imperative to have more widely available support for potential victims and survivors of conversion practices through capacity building and long-term investment in grassroots organisations.

Annex

Recommendations

We submit these specific recommendations to the Scottish Government which are based on the guiding principles in this report and our work with stakeholders.

1. Human Rights

The Group recommends that the Government be guided by the following human rights considerations:

1.1 Conversion practices infringe the human rights of individuals, in particular the victims' freedom from discrimination and freedom from non-consensual medical treatment. Conversion practices can also violate the prohibition of torture, cruel, inhuman and degrading treatment.

1.2 Where children are concerned, conversion practices are capable of violating every child's right to be free from all forms of physical or mental violence, injury, or abuse.

1.3 A ban on conversion practices does not lead to an unlawful restriction of freedom of religion. Numerous religious groups have declared their support for the prohibition of conversion practices. Freedom of religion is not an absolute right; it meets its restrictions where it unduly infringes the human rights of others.

1.4 Similar considerations apply to freedom of expression. Freedom of expression meets its limits where it unduly infringes the reputation or rights of others, and the State is entitled to adopt legislation to protect such competing rights.

2. Definitions

The Group recommends that the Scottish Government adopt these definitions:

2.1 'Conversion practices' refers to any treatment, practice or effort that aims to change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expression. A person cannot consent to conversion practices being carried out against them.

2.2 'Gender expression' and 'expression of sexual orientation' refers to each person's manifestations of their gender identity and/or expression of sexual orientation and/or the one that is perceived by others.

2.3 'Gender identity' refers to each person's internal and individual experience of gender, which may or may not correspond with their sex assigned at birth, including their personal sense of the body (which may involve, if freely chosen, modification of bodily appearance and/or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms.

2.4 'Sexual orientation' refers to a person's emotional, affectional and sexual attraction to persons of a different gender, the same gender or more than one gender and includes the lack of such attraction or relations.

3. Criminalisation

The Criminalised Acts

3.1 The Expert Advisory Group recommends that the following acts be criminalised when they are carried out with intent:

3.1.1 performing conversion practices

3.1.2 offering the performance of conversion practices

3.1.3 promoting or advertising conversion practices

3.1.4 referring a person to any other person for the purpose of performing conversion practices

3.1.5 removing a person from Scotland for the purpose of performing conversion practices

3.2 The Group also recommends that it be a crime for a superior:

3.2.1 to order the carrying out of any of the acts under 3.1 by a subordinate

3.2.2 to allow the carrying out of any of the acts under 3.1 by a subordinate, if the superior knew or should have known that such acts were being committed or were about to be committed

3.3 The Group recommends that allegations of the Commission of any of the Criminalised Acts be investigated by the Crown Office and

Procurator Fiscal Service (COPFS) at the request of a victim, or, in cases of public interest, at the request of the [Commission] or by the COPFS *proprio motu*.

3.4 The Group recommends that there be no exceptions to the prohibition of the Criminalised Acts.

3.5 The Group recommends that consent is not to be considered a defence to any of the Criminalised Acts.

4. Sentencing and Other Legal Consequences

4.1 The Group recommends that appropriate sentences be imposed for each of the Criminalised Acts.

4.2 The Group recommends that a higher sentence be imposed:

4.2.1 where any of the Criminalised Acts leads to the causation of serious bodily or mental harm and the perpetrator

(i) intended such harm

(ii) was aware of its likely occurrence

(iii) should have been aware of its likely occurrence

4.2.2 where the victim of any of the Criminalised Acts is a child, and the perpetrator is aware of the age of the victim.

4.2.3 where the victim of any of the Criminalised Acts is a person in a situation of vulnerability and the perpetrator is aware of such vulnerability. This is understood to include persons with mental disorders as well as persons in situations of dependence.

4.3 The Group recommends that, where the perpetrator of any of the Criminalised Acts has parental or guardianship rights in relation to the victim, the legal consequences may include the modification or withdrawal of such rights.

4.4 The Group recommends that, where the perpetrator of any of the Criminalised Acts is a healthcare professional, the legal consequences may include the withdrawal of the perpetrator's professional licence.

5. State Responsibility

5.1 The Group recommends that public authorities in Scotland do not provide support, be it direct or indirect, to persons and organisations engaging in any of the Criminalised Acts. The Group recommends in particular that authorities make sure that no public facilities are provided for any of the Criminalised Acts and that organisations engaging in any of the Criminalised Acts do not enjoy preferential tax status or benefit from public subsidies.

6. The Commission

6.1 General Considerations:

The Group recommends that a Commission be established whose purpose it is to deal with various aspects relating to ending conversion practices ('The Commission') or that, in the alternative, the functions named in Recommendation 6.2 be fulfilled by existing bodies that are well suited to these tasks, such as the Scottish Human Rights Commission. The Group recommends that the advantages and disadvantages of allocating all functions to the same body be given due consideration. In the following text, the phrase 'the Commission' is understood to mean 'the Commission or the relevant body to whom the respective function is allocated'.

6.2 The Group recommends that the Commission have the following functions, as well as the powers to perform them:

6.2.1 The function to offer education ('The Educative and Training Function')

6.2.2 The function to carry out research ('The Research Function')

6.2.3 The function of rendering support to victims ('The Support Function')

6.2.4 The function of investigation ('The Investigative Function')

6.2.5 The function of monitoring the implementation of the Scottish law banning conversion practices ('The Monitoring Function')

6.2.6 The function of assisting legal proceedings as Amicus Curiae ('The Amicus Curiae Function')

6.2.7 The function of making reports on its activities ('The Report Function')

6.3 The Group recommends that the work of the Commission is to be guided in particular by the following principles:

6.3.1 The principle of confidentiality; members of the Commission are not to disclose information relating to any person, unless it is necessary to do so for the purposes of the Scottish Act Banning Conversion Practices (the 'Scottish Act') and

6.3.2 Human rights principles that apply to the fairness of hearings and investigations.

6.3.3 The Commission also has to take into account the wishes and best interests of the victims and potential victims where a matter relating to conversion practices has been referred to the Commission and the wishes and best interests of victims, potential victims, and victim communities where the Commission initiates an investigation *proprio motu*.

Commission Functions

6.2.1 The Educative and Training Function

The Educative Function of the Commission consists of two parts: The General Educative Function and Targeted Education.

a) With regard to the General Educative Function, the Commission has the task of designing:

- i. Education programmes to inform the public about conversion practices, their dangers and their prohibition under the law
- ii. Education programmes to inform the public about its own work
- iii. Outreach Programmes to inform the public about matters of sexual orientation, gender identity and gender expression in general
- iv. Education and engagement programmes to enter into dialogue with minority groups, faith communities and medical associations that are affected by conversion practices or the

ban on these practices. Such programmes shall include the provision of training to healthcare professionals who provide counselling and / or psychological therapies to victims or potential victims of conversion practices.

- b) The Commission may also offer targeted education to persons engaging in conversion practices (see Recommendation 6.2.4 (f) (iii) below).

6.2.2 The Research Function

The Commission has the Research Function of:

- i. Registering ongoing instances of conversion practices
- ii. Engaging in the documentation of historical instances of conversion practices
- iii. Engaging in any other form of research that it considers to be appropriate in support of the aim of ending conversion practices

6.2.3 The Support Function

The Commission is to offer support to victims and potential victims of conversion practices.

- a) It shall, in particular:
 - i. arrange for counselling, psychotherapy and psychological therapies / services at multiple tiered levels in line with individualised needs where victims and potential victims of conversion practices so request
 - ii. help with the arrangement of other relevant services where this is requested and necessary
 - iii. offer legal advice on aspects relating to conversion practices
 - iv. help victims of conversion practices to report the matter to the police

- b) In the implementation of the Support Function, the Commission is to take into account in particular the needs and requirements of minority groups affected by conversion practices.

6.2.4 The Investigative Function

- a) The Commission carries out the Investigative Function in line with the following conditions:

- b)
 - i. Every person has the right to make a report to the Commission in relation to the alleged performance or the alleged threat of a performance of conversion practices
 - ii. The Commission must receive such reports
- c) Where the Commission has received such a report, the Commission may:
 - i. Decide to refrain from taking any action, especially when there are no reasonable grounds for believing that conversion practices have been carried out or are threatened to be carried out
 - ii. Decide to refer the relevant matter to the police
 - iii. Decide to open an investigation (see **d)** below)
- d) The Commission may, when it has received a report on the alleged performance or threat of a performance of conversion practices, decide to open an investigation into the matter. In the absence of such a report, it may also open an investigation when it has received information about actual or threatened conversion practices that appear to it to be particularly serious in nature, especially where they are systemic or persisting.
- e) Where an investigation has been opened under **d)** above, the Commission has the power to compel a person to provide a document or other information, if the Commission reasonably believes:
 - i. that the person is in the possession of the relevant document or information
 - ii. and that the document or information is necessary for the conduct of the investigation.
- f) Where an investigation has been opened under **d)** above, the Commission has the power to compel a person to attend before the Commission at a reasonable time and place to answer questions posed by the Commission, if the Commission reasonably believes:
 - i. that the person has information that is relevant to an investigation
 - ii. and that the information is necessary for the conduct of the investigation.
- g) Where an investigation has been opened under **d)** above and the Commission has concluded the investigation, it may:

- i. Decide to refrain from taking any further action, especially when there are no reasonable grounds for believing that conversion practices have been carried out or are threatened to be carried out
- ii. Decide to refer the relevant matter to the police
- iii. Offer targeted information to the alleged perpetrators of conversion practices
- iv. Accept a written undertaking from a person under which that person undertakes to take certain actions or refrain from taking certain actions to comply with the Scottish Act
- v. Issue a compliance notice to a person who the Commission believes to be wholly or partly responsible for a conversion practice. Such compliance notice is to set out the basis for the Commission's belief that a conversion practice has occurred, is occurring or is about to occur and the date by which the person must take or refrain from taking specified actions in relation to the conversion practice
- vi. Facilitate an outcome with the parties affected by the alleged conversion practice
 1. The facilitation of an outcome is a voluntary procedure and every party is entitled to withdraw from it at any time.
 2. The purpose of a facilitation of an outcome is to reach a result that meets the needs of persons affected by an ongoing or threatened conversion practice.
 3. Any party to a procedure under **vi.** may request that a written record of agreement be prepared by the parties or the Commission. The record of agreement must be signed by each party. A certified copy of the agreement is to be kept by the Commission.
 4. The procedure under **vi.** may not take place where the alleged conversion practice or threatened conversion practice is, in the view of the Commission, indication for conversion practices that are particularly grave in nature, especially when they are systemic or persisting.

6.2.5 The Monitoring Function

The Commission has the function

- i. of collecting information about the application of the Scottish Act on Conversion Practices and about instances of conversion practices
- ii. of evaluating the efficiency of the Scottish Act on Conversion Practices for the purposes of ending conversion practices in

Scotland. It may in this function request the support of the International Academic Project (outlined at 9).

6.2.6 The Amicus Curiae Function

The Commission may assist a court or tribunal as amicus curiae under the following two conditions:

- i. where the relevant proceedings, in the opinion of the Commission, have significant implications for the implementation or interpretation of the Scottish Act; and
- ii. the court or tribunal has granted leave for the Commission to assist as amicus curiae

6.2.7 The Report Function

The Commission:

- i. has to submit an Annual Report on its work, in which it also is to reflect on the efficiency of the Scottish Act
- ii. may submit additional reports on matters in relation with the ending of Conversion Practices in Scotland

6.2.8 Criminal Offences in Connection with the Commission

The Group recommends that it be a criminal offence:

- i. not to comply with a request for information by the Commission under **6.2.4 e)** above
- ii. not to appear before the Commission when attendance is requested by the Commission under **6.2.4 f)** above
- iii. not to comply with a written undertaking under **6.2.4 g) iv.** above
- iv. not to comply with a compliance notice under **6.2.4 g) v.** above

7. Protection of Participants in Proceedings before Courts, Tribunals and the Commission

The Group recommends that:

7.1 Appropriate measures be adopted to provide effective protection against any unjustified treatment for any person, especially retaliation and intimidation by their own organisations, for any person who reports

in good faith and on reasonable grounds conversion practices or threatened conversion practices, to Courts, Tribunals and the Commission; and that

7.2 Appropriate measures be adopted to provide effective protection from potential retaliation or intimidation for witnesses and experts who give evidence to Courts, Tribunals and the Commission in relation to conversion practices or threatened conversion practices and, as appropriate, for their relatives and other persons close to them.

8. The Telephone Helpline

The Group recommends that a telephone helpline ('Helpline') be established in accordance with the following provisions:

8.1 The Helpline is to provide advice to victims and potential victims of conversion practices, but also to any person who has questions about matters of sexual orientation, gender identity and gender expression.

8.2 The Helpline is to be available free of charge.

8.3 Measures are to be adopted to ensure the anonymity of the callers.

8.4 The Helpline is to be made available in several languages, including those most commonly spoken in Scotland.

9. The International Academic Project

The Group recommends that an academic project be established ('The Project') in accordance with the following provisions:

9.1 The purpose of the Project is:

9.1.1 to engage in research on domestic laws in other jurisdictions as well as international and private initiatives which seek to end conversion practices and to maintain a database on these materials

9.1.2 to engage in dialogue with legislators and other relevant parties in jurisdictions that seek to end conversion practices in an effort to evaluate the efficiency of such measures

9.1.3 to evaluate the efficiency of legislative bans and other efforts to end conversion practices and to that end collect views and

engage in a dialogue with relevant stakeholders, including victims, victim groups, affected minority groups, medical associations and faith organisations

9.1.4 to formulate, on the basis of its research, best practices for the ending of conversion practices

9.1.5 to engage in any other research activities its principal investigators consider necessary for efforts to end conversion practices

9.2 The Project is to be academically led and initially limited to a duration of five years. An extension of the mandate is possible.

9.3 The Project may render support to the Commission. It is recommended that it is funded by the Scottish Government, but that it remains an independent initiative which is not subject to instructions.

10. Civil Law Provisions

The Group recommends that Scotland adopt such measures as may be necessary to:

10.1 establish civil liability for natural and legal persons who are engaging or have engaged in conversion practices

10.2 ensure that persons who have been subjected to conversion practices have the right to initiate legal proceedings against those responsible for such practices in order to obtain redress and compensation

11. International Cooperation

The Group recommends that, within the limits of its constitutional powers, Scotland:

11.1 establish channels of communication with competent authorities dealing with conversion practices in other jurisdictions

11.2 engage with them in exchange of information covering all aspects of conversion practices

11.3 cooperate with them in inquiries with respect to conversion practices and in any other aspect conducive to the effective ending of conversion practices

12. Publicity

The Group recommends that appropriate measures be adopted to raise awareness of the legal ban on conversion practices and the help available through the Commission and the helpline. Such measures should include the work of young people, who, having received appropriate training in this matter, are available as contact points to other young people as well as the publication of information about the helpline and the Commission through social media channels.

13. Specific Recommendations on Diversity, People of Colour and Minority Ethnic Faith Communities

13.1 Civil measures must work within and with diverse faith and cultural communities to develop civil measures through consultation with survivors.

13.2 Civil measures must seek to understand the roots of cultural and religious prejudice and aid in shifting this.

13.3 Civil measures must help to foster visibility of People of Colour and Black Minority Ethnic people who are LGBT+. This should include: visible support that is clearly and visibly intersectional and culturally competent; visible support and allyship from within diverse communities; and work to help families better understand the harms of conversion practices.

13.4 Civil measures must seek to be cognisant of institutional racism (as well as lesbophobia, homophobia, biphobia and transphobia) that may affect the legitimacy and success of this work. It must recognise potential risk here for those reporting and address it.

13.5 Civil measures must recognise that individuals put themselves at risk by reporting conversion practices and seek to do no further harm.

13.6 Civil measures must have a comprehensive understanding of the significance, and potential danger of, the abuse of honour and shame within communities.

13.7 Civil measures must recognise that the majority of conversion practice happens in domestic settings within these communities – both legislative and civil measures must understand and cater to this.

13.8 Civil measures must ensure targeted support alongside legislation and there must be further investment in resourcing and capacity for the support of People of Colour and Black and Minority Ethnic survivors.

13.9 Civil measures must comprehend and seek to work within diverse institutional set up structures and governance in diverse faith institutions must be considered.

13.10 The legislation must acknowledge and be cognisant of institutional racism that may impede engagement with the civil scheme, legislative prosecution and justice.

13.11 The legislation might consider in its development work already established in Hate Crime (in relation to domestic settings), Domestic Abuse legislation (in relation to consent and coercion), female genital mutilation, honour abuse and forced marriage legislation (where lessons can be learnt).



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