

Scottish Parliament wants to hear views on banning 'conversion therapy'

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Dr Carys Moseley comments on the Scottish Parliament's new consultation asking for 'views' on banning so-called 'conversion therapy'.

The Citizens' Participation and Petitions Committee of the Scottish Parliament has issued a call for views in response to a petition to ban 'conversion therapy' in Scotland. The closing date is 13 August and we are encouraging supporters to respond¹ – you can read our guidance² on how to do this, and respond to the consultation³.

Here, I shall look into the situation in Scotland regarding plans to ban 'conversion therapy'.

Scottish Government funds ban campaigners

The first thing everyone should know is that four out of the five LGBT organisations campaigning for a ban receive vast sums of money from the Scottish Government⁴. These include Stonewall Scotland, Scottish Trans Alliance, LGBT Youth Scotland and the Equality Network. There are no organisations opposed to a ban that receive such funding.

In addition, the Scottish Government is a member of the Stonewall Diversity Champions Programme. Documentation revealed under Freedom of Information law has shown that in its application to join the Stonewall Workplace Equality Index, the Scottish Government moved to support reforming the Gender Recognition Act in Scotland⁵. This means that it was paying taxpayers' money to Stonewall and promising to implement Stonewall's wish-list without consulting first with Scottish taxpayers. This undermines democratic accountability as well as compromises the impartiality of the civil service. What are the chances that promising to ban 'conversion therapy' in Scotland is not also linked to membership of Stonewall's programmes?

The importance of the committee's call for evidence

The biased agenda above highlights how important a relatively open call for evidence from this committee really is. The Scottish Parliament is distinct from the Scottish Government, and its committees are made up

of members of different political parties. In theory, this should allow a variety of viewpoints to be heard.

Contrast this with the appalling behaviour of the House of Commons Petitions Committee last summer. In response to a Twitter mob including Stonewall, the committee, headed by Catherine McKinnell MP, deleted its own survey based on a petition to Parliament favouring a 'conversion therapy' ban⁶. The question that arose from that fiasco was whether activists would be able to handle public debate in Parliament on a law to ban 'conversion therapy'. If not, they could not justify demanding that such a law be tabled by the government.

Scottish Government has no evidence

Curiously however, last September the Scottish Government admitted, again under the terms of Freedom of Information law, that it has no actual evidence of 'conversion therapy' in Scotland⁷. One wonders therefore why it should be committed to a ban.

The same was true when the Scottish Government, along with NHS Scotland, signed up to the Memorandum of Understanding on Conversion Therapy in the UK in 2017. It is significant that this was the second version, now including a professional ban on therapy for gender identity. At the time, neither the Scottish Government nor NHS Scotland commissioned independent research on the topic.

Petition mishandles evidence

The petition itself was started by five young activists, and mishandles evidence produced and used by campaigners in the UK. The petition complains that the 2009 study by Michael King and colleagues⁸ found that a minority of mental health professionals had at some point seen clients dissatisfied with their same-sex attraction. The study provided a wealth of evidence of professionals' practices and views, evidence which ultimately undermines King and colleagues' stated wish to ban therapy for unwanted same-sex attraction.

What the petition does not say is that the study admits that the vast majority of clients had

approached mental health professionals of their own accord for help. Only 7% of clients were reported to be primarily motivated by religious concerns. The most common motivation for seeking therapy was confusion over sexual orientation (57%). Only a minority of clients (15%) were motivated by 'social pressures including family'. No comparison was made with similar surveys conducted for other issues clients present to therapists. This was not a case of professionals 'offering conversion therapy' to clients who had no intrinsic motivation to move away from same-sex attraction.

No evidence of broad support for criminalisation

The petition also claims that there is 'broad support for criminalisation' of 'conversion therapy' by 'those who have been subjected to it'. Whilst no direct evidence is put forward to prove this claim, given that the petition refers to the 2018 Faith and Sexuality Survey by the Ozanne Foundation, we believe that its results constitute the 'evidence' for this claim.

In reality, there is no such evidence. The Faith and Sexuality Survey was not a random representative sample of individuals who have voluntarily undertaken therapy for unwanted same-sex attraction. I have already explained in more detail⁹ why the response to the survey does not carry weight in this respect.

Petition ignores history of therapy in Scotland

Historical evidence of ethical therapy for unwanted same-sex attraction with clients in Scotland has been ignored here. The Davidson Clinic in Edinburgh had numerous clients with unwanted same-sex attraction during its existence in the mid-twentieth century. It was set up by a Christian doctor from the Church of Scotland named Winifred Rushforth in the 1930s. Its staff presented evidence about therapy for clients with unwanted same-sex attraction to the Wolfenden Committee on Homosexual Offences and Prostitution in 1956-1957. Its archives are available at the National Archives in London, and in the Davidson Clinic's archives at the University of Edinburgh.

Of particular interest for today is that Rushforth told the committee that,

"Success in psycho-therapy depends a) on the desire of the patient to be

treated and in his co-operation with the analyst, b) on the devotion of the analyst, his optimism and ability to encourage the patient to undergo a thorough treatment. These qualities, together with a thorough training in his profession, make for a successful analyst." [Wolfenden Committee archives, HO 345/7, National Archives, Richmond, London]

Part of her reason for saying this was that the Wolfenden Committee members were asking all mental health professionals about the difference between clients who sought them out voluntarily and those referred by the courts after conviction for sexual offences. The situation today is different, namely facing claims that all therapy for same-sex attraction is inherently coercive and imposes an alien set of values onto clients. It is also different, however, in that anybody who reads through the Wolfenden archives will realize that the questions raised then were done so reasonably and in good faith. The present-day claims of the imposition of values are often made based on entrapment by deceitful and dishonest undercover journalists.

Activists deny validity of consent to therapy

The Petitions Committee also links to written evidence it received last September¹⁰ from all four Scottish LGBT organisations campaigning for a ban. This document makes it clear that they want a legislative ban which would deny the validity of both children's and adults' prior consent to therapy and also to pastoral care in faith communities.

"There should be no restrictions on who is protected by the ban. Children and adults, deemed vulnerable or not, must be protected, including those who 'consented'."

This suggests that they want the law to be used retrospectively to punish therapists, counsellors and Christian clergy for helping people who say they have unwanted same-sex attraction and gender confusion.

Gender clinics in Scotland need scrutiny

Clinicians who favour puberty blockers and cross-sex hormones are more likely to favour 'conversion therapy' bans as they will prohibit therapy for gender identity unless it affirms someone's chosen gender. The current call for

evidence needs to be considered in light of the fact that the Scottish Government only shelved its plans to liberalise the Gender Recognition Act because of the Covid-19 pandemic¹¹, not because of a change in moral conviction.

Not long after the High Court ruling against the Tavistock Clinic last year concerning referral of children for puberty blockers, the Sandyford Clinic in Glasgow responded by insisting on continued use of puberty blockers¹². Indeed, what became evident was how little public pressure and scrutiny there has been of the gender identity clinical work with children and adolescents in Scotland by comparison to England and Wales. The Sandyford Clinic's latest guidance was due for review in June 2021 yet has not been revised. It is high time it was.

Activists want similar law to Canadian bill

The campaign group End Conversion Therapy Scotland was founded last year at the start of the pandemic lockdown policies. Five young campaigners, one of whom is from Canada, set it up, and explained they want a law like the one the Canadian government has tabled¹³. Similar to Canada, they want a travel ban for taking people out of Scotland for 'conversion therapy'. This would mean a travel ban into England, Wales and Northern Ireland as well as abroad.

The Canadian Bill C-6 has passed its third reading and is now paused for the summer. It proposes amending the Canadian Criminal Code to allow the government to seize

computers of those deemed to have advertised 'conversion therapy'¹⁴. The material may also be disposed of or deleted by the government. Advertising 'conversion therapy', as the bill makes clear, would be treated alongside production of child pornography, voyeuristic recordings and advertisement of sexual services, ie. prostitution. The obvious aim is to make of orthodox Christians complete social pariahs.

For Scotland see Canada?

The proposed Canadian law is one of the most dangerous anti-'conversion therapy' laws anywhere in the world in terms of its attack on freedom of speech and right to privacy: it amends the Canadian Criminal Code¹⁵ to allow the computer of someone deemed guilty of advertising 'conversion therapy' to be seized by a court order. This would set an extremely dangerous precedent if enacted in Scotland. As most people today have computers of some kind, and mobile phones that are used for similar purposes, we are talking here about permission for government seizure of personal data as well as means of communication.

We should also recall that the term 'conversion therapy' is an arbitrarily imposed term and that its real target is Christian ministry¹⁶. For certain types of activists and indeed government ministers, anything and everything is 'conversion therapy' including personal testimonies and public statement of belief in traditional marriage. We must not tolerate Scotland becoming like the current Canadian government wants things to be.

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- ¹ <https://christianconcern.com/action/tell-the-scottish-parliament-banning-conversion-therapy-is-unethical/>
 - ² <https://christianconcern.com/action/tell-the-scottish-parliament-banning-conversion-therapy-is-unethical/>
 - ³ <https://yourviews.parliament.scot/ehrc/petition-end-conversion-therapy-views/>
 - ⁴ <https://www.gov.scot/policies/lgbti/lgbti-funding-and-partners/>
 - ⁵ <https://www.gov.scot/publications/foi-202000083724/>
 - ⁶ <https://christianconcern.com/comment/criminalising-conversion-therapy-will-backfire/>
 - ⁷ <https://www.gov.scot/publications/foi-202000062067/>
 - ⁸ <https://bmcp psychiatry.biomedcentral.com/articles/10.1186/1471-244X-9-11>
 - ⁹ <https://christianconcern.com/comment/press-outlets-should-beware-the-ozanne-foundation-faith-sexuality-survey/>
 - ¹⁰ https://archive2021.parliament.scot/S5_PublicPetitionsCommittee/Submissions 2020/PE1817_B.pdf
 - ¹¹ <https://www.thenational.scot/news/18321142.gender-recognition-reforms-go-hold-coronavirus/>
 - ¹² <https://www.ngicns.scot.nhs.uk/wp-content/uploads/2019/05/Sandyford-YP-Gender-Service-Information.pdf>
 - ¹³ <https://uk-podcasts.co.uk/podcast/being-lgbtq/episode-131-end-conversion-therapy-scotland>
 - ¹⁴ <https://parl.ca/DocumentViewer/en/43-2/bill/C-6/third-reading>
 - ¹⁵ <https://parl.ca/DocumentViewer/en/43-2/bill/C-6/third-reading>
 - ¹⁶ <https://archive.christianconcern.com/our-issues/sexual-orientation/why-christians-must-defeat-the-global-attack-on-conversion-therapy>