

UN expert report demands ‘conversion therapy’ bans worldwide

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First Published by Christian Concern: June 26th, 2020

Carys Moseley comments on the UN report demanding a ban on so-called ‘conversion therapy’.

Last month the United Nations LGBT expert published a report¹ demanding that countries across the world should enact laws and policies to ban so-called ‘conversion therapy’ both for same-sex attraction and transgender confusion. His report is a response to his call for evidence, issued in November 2019. It is due to be discussed at the upcoming 44th meeting of the UN Human Rights Council. The meeting was due to have started last week but has been postponed due to the coronavirus crisis. In light of this, the UK government’s leaked proposals to ban ‘conversion therapy’², reported on by The Sunday Times two weeks ago, may not be a coincidence.

Who is the UN LGBT expert?

Victor Madrigal-Borloz, a lawyer from Costa Rica, is the UN Independent Expert on protection on violence and discrimination based on sexual orientation and gender identity. He was appointed by the UN Human Rights Council to succeed Vitit Muntarborn and started in the post on 1 January 2018³.

This is the official description of his mandate⁴:

“The mandate holder has been invited to assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination.”

He is required to submit annual reports to the UN General Assembly and the UN Human Rights Council on his work. He also consults with member states, UN agencies, ‘national human rights institutions’ (the UK body is the Equality and Human Rights Commission), civil society organisations and academic institutions. He is actively involved in working with UN member states to help them implement the policies that he wants in this area, as well as to foster international co-operation.

‘Conversion therapy’ is a deceitful term

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Republished by the International Federation for Therapeutic and Counselling Choice
[12/08/2022]

It is vitally important to say at the outset that the term ‘conversion therapy’ has never been used by any therapists working with clients who have unwanted same-sex attraction. Neither have any such therapists ever developed a type of therapy which they themselves have called ‘conversion therapy’. I can say this as I have been researching the archival and published sources for the history of therapy for same-sex attraction in the UK⁵, and in none of them does the term ‘conversion therapy’ ever get used. Likewise none of the international evidence⁶ shows any trace of this term either.

This means that the following statement made in section 22 of the UN LGBT expert’s report is completely misleading:

“Most schools within psychology and psychiatry, bolstered by the mental disorder classifications of the 1940s to early 1970s, operated as providers of “conversion therapy”.”

Not only that but it is very clear from the report and the whole history of the term that it is intended deliberately to mix mainstream talking therapies that have in fact been around for a century, with allegations of unusual physical treatments administered by psychiatrists, along with allegations of torture.

‘Conversion therapy’ as ‘torture’

Madrigal-Borloz characterises ‘conversion therapy’ as ‘torture’. This is a tactic intended to denigrate all help to move away from same-sex attraction and behaviour as inherently wicked. The problem is that he is a very influential figure in international institutions combatting torture. His biography makes the following two statements about him:

“A member of the UN Subcommittee on the Prevention of Torture from 2013 to 2016, Mr Madrigal-Borloz was Rapporteur on Reprisals and oversaw a draft policy on the torture and ill-treatment of LGBTI persons...”

“Until June 2019 he served as the Secretary-General of the International Rehabilitation Council for Torture Victims (IRCT), a global network of over 150 rehabilitation centres with the

vision of full enjoyment of the right to rehabilitation for all victims of torture and ill treatment until 30 June 2019.”

Section 62 of the report on ‘conversion therapy’ makes this claim:

“The United Nations anti-torture machinery has concluded that they can amount to torture, cruel, inhuman or degrading treatment”.

To support this claim the report references numerous documents published by various UN committees, including especially the UN Human Rights Committee, the UN Committee on the Rights of the Child and the UN Committee Against Torture. How credible are these documents as source for the claim that ‘conversion therapy’ is ‘torture’?

Child protection laws lumped with ‘torture’

The report cites the UN Human Rights Committee’s concluding observations on the seventh periodic report of Ukraine⁷, published in 2013. The relevant UN treaty was the International Covenant on Civil and Political Rights (ICCPR). The Committee attacked Ukraine for having tabled laws to counter gay propaganda, including gay propaganda aimed at children. This does not amount to torture.

The report also cites the UN Committee on the Rights of the Child’s response to the fourth and fifth periodic reviews of the Russian Federation⁸, published in 2014. The relevant UN treaty was the UN Convention on the Rights of the Child. The Committee recommended that Russia repeal its law prohibiting gay propaganda aimed at children. It also demanded that ‘children who belong to LGBTI groups’ not be subjected to discrimination. Again, this does not amount to torture.

The problem here is that the UN expert’s report lumps together countries which are enacting perfectly reasonable laws with countries where there are allegations of torture, such as Ecuador.

The sexual orientation and gender identity of children

The report repeatedly claims that children and young people are especially vulnerable to ‘practice of conversion therapy’. It reinterprets the UN Convention on the Rights of the Child according to LGBT ideology, so that sexual

orientation and gender identity are inherent characteristics of a child’s identity.

I have previously shown how this argument was made possible⁹ by the UNICEF Implementation Handbook for the UNCRC, which was written by convicted paedophile Peter Newell, formerly a campaigner for a worldwide ban on smacking.

Attacking parental rights

Section 71 of the report attacks parental rights in that it characterises parents who refer their own children for therapy for same-sex attraction or gender confusion as abusive.

“Parents...are ill-informed about the nature of sexual and gender diversity, the invalidity and ineffectiveness of those practices and the significant and possibly life-long injury that they will cause their children. In the light of those realities, subjecting children to practices of “conversion therapy” constitutes ill-treatment and may constitute torture, as well as contravene domestic and international laws against child abuse and neglect.”

The interrelated attack on children’s dignity and parental rights, and the clear links with the tactics of the anti-smacking lobby, shows that a strong unapologetic pushback is needed immediately.

‘Conversion therapy’ providers labelled as ‘perpetrators’

Equally outrageous is Victor Madrigal-Borloz’ repeated insistence upon characterising those who are deemed by him to provide ‘conversion therapy’ as ‘perpetrators’. This terminology is intended to give the impression that all involved, including therapists and church pastors, are criminals, when in fact this is not the case in most countries.

Characterising people in this manner is a way of saying that all things deemed to be ‘conversion therapy’ are so depraved that they should be criminalised. The obvious intention of such language is to encourage UN member states to pass legislation criminalising “providers of ‘conversion therapy’”.

The shady history of the term ‘conversion therapy’

In light of these misleading allegations it is highly significant that Victor Madrigal-Borloz' report ignores the evidence that the very term 'conversion therapy' has a rather shady history. The International Federation for Therapeutic and Counselling Choice confronted this history in its submission to the call for evidence¹⁰. It revealed the academic evidence that the term was coined by Douglas C. Haldeman, an American psychologist who is a long-term gay activist with an agenda of discrediting and banning all therapy for unwanted same-sex attraction. Here is what the IFTCC wrote:

"Douglas C. Haldeman first used the term 'conversion therapy' in 1991¹¹. In the first page of this book chapter he failed to distinguish between psychotherapy and counselling on the one hand, and psychiatry on the other. This led to putting the published findings of psychoanalytic psychotherapeutic work by Irving Bieber with voluntary clients in the USA in the mid-twentieth century (pp. 150-151) alongside the published work of Desmond Curran and Denis Parr published in 1957¹² on a British sample of 100 male clients, 30 of whom were referred due to being convicted of homosexual sex offenders, 22 due to having psychiatric problems and 12 due to pressure from friends or relatives. It is evident from reading Curran and Parr's paper that many of the clients under consideration had little intrinsic motivation to pursue change in sexual attraction. As such it should be of little surprise that most did not experience any significant degree of change. Also relevant – and ignored by Douglas Haldeman – is the fact that as many as 17 of the 100 clients were paedophiles, i.e. attracted to pre-pubescent boys, out of these 12 were not attracted to adult males. It is implausible to suppose that such pedophiles would be motivated to develop an interest in adult females."

The types of people whose crimes actually cause unwanted same-sex attraction were mixed up with the types of people who have been their victims. Thus, the sampling has been completely corrupted by the inclusion of unrepentant sex offenders and is as such completely worthless.

The very fact that the UN Independent LGBT expert is (a) still peddling the term 'conversion therapy' and (b) has chosen to ignore the clear paper trail shown by IFTCC shows how little regard he really has for academic rigour and evidence as well as ethics in research design. Moreover, this shows a sinister disregard for the way in which research on sex offenders can be misused to harm their victims. Therapy bans will harm victims of sexual crimes who develop unwanted same-sex attraction as a result. Who is really in the wrong here?

Are mainstream therapy and ministry included as 'conversion therapy'?

Although numerous groups working with persons with unwanted same-sex attraction, or advocating on their behalf, made submissions to the call for evidence, most were not acknowledged in the report. The report only makes a footnote reference towards the end to three such organisations: IFTCC¹³, Family Watch International¹⁴ and Voice for the Voiceless¹⁵. However, it evades the arguments made by them. Curiously, the report then says this:

"As established in the present report, however, based on the overwhelming evidence available, none of these approaches can claim 'conversion' as an outcome, just as none can claim that diverse sexual orientation or gender identity is an illness or disorder requiring therapy." [section 70]

It would seem that the approaches used by mainstream therapists and ex-gay ministries are not necessarily deemed 'conversion therapy'. However, it is obvious that the minute anyone of them stands up to testify to change, e.g. no longer being attracted to the same sex, proponents of a ban will accuse that person of 'conversion therapy'. Not only that but they are bound to chase up pastors and therapists who are believed to have helped them. As 'change' and 'conversion' can be very broadly defined to include even merely stopping homosexual behaviour, nobody is safe here.

Madrigal-Borloz' approach here is very similar to that found in existing 'conversion therapy' bans, including the Memorandum of Understanding on Conversion Therapy in the UK and also the law banning 'conversion practices' in Malta¹⁶. The real purpose of such language is to cause confusion among opponents and mislead us into thinking that our organisations will not be hounded by government forces after therapy ban laws are

passed. Judging by the case of Malta¹⁷, we can have no confidence at all that governments will not hound faithful Christians once they pass laws.

Report ignores ex-gay testimonies

Many men and women who have chosen to relinquish LGB identities and move away from same-sex attraction and behaviour responded to the call for evidence. They did this precisely because they realised that there would be a threat to the therapists and pastoral ministries that have helped them.

Unfortunately, the report makes absolutely no mention of these individuals. Yet in searching for 'conversion therapy' on the UN Human Rights Council website a document comes up which is a compilation of many ex-gay testimonies¹⁸ that were sent in. This omission clearly shows that Victor Madrigal-Borloz has already disregarded the experiences of these people. This does not show respect for freedom of expression or religious freedom.

Indeed, it should serve us as a warning for what could be in store worldwide if countries follow his recommendations.

Basic freedoms at risk worldwide

Make no mistake of it, this report is very sinister. It mixes up allegations of torture against some member states with opposition to laws designed to protect children from gay propaganda and sexualisation. Likewise, it lumps together mainstream talking therapies with allegations of torture and physical punishment. There are many other problems with this report, such as repeating the equally fallacious claim that 'corrective rape' of lesbians amounts to 'conversion therapy'. It ignores the varied history of different approaches to homosexuality in different countries, cultures and religions, and thus does not advance understanding of the issues. Should the UN give its official backing to this report, basic freedoms would be at risk worldwide.

¹ <https://undocs.org/en/A/HRC/44/53>

² <https://christianconcern.com/comment/beware-leaked-government-plans-on-gender-id-and-conversion-therapy-ban/>

³ <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/VictorMadrigalBorloz.aspx>

⁴ <https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>

⁵ http://www.affinity.org.uk/downloads/The_Bulletin/issue-41/bulletin-41---final.pdf

⁶ <https://www.reintegrativetherapy.com/the-science>

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/UKR/CO/7&Lang=En

⁸ <https://undocs.org/CRC/C/RUS/CO/4-5>

⁹ <https://christianconcern.com/comment/the-abusers-behind-gender-identity-for-children/>

¹⁰

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/SexualOrientation/IESO GI/CSOsAJ/The_International_Federation_for_Therapeutic.docx&action=default&DefaultItemOpen=1

¹¹ <http://drdoughaldeman.com/doc/ScientificExamination.pdf>

¹² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1973178/pdf/brmedj03149-0031.pdf>

¹³ <https://www.iftcc.org>

¹⁴

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/SexualOrientation/IESO GI/CSOsAJ/Family_Watch_International_UN_Rapporteur_Letter_from_FWI.docx&action=default&DefaultItemOpen=1

¹⁵

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/SexualOrientation/IESO GI/CSOsKZ/Voice_of_the_Voiceless_Response_to_UN_CT.docx&action=default&DefaultItemOpen=1

¹⁶ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12610&l=1>

¹⁷ <https://christianconcern.com/comment/x-factor-malta-silences-ex-gay-singers-christian-testimony/>

¹⁸

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/SexualOrientation/IESO GI/Other/Personal_testimonies.docx&action=default&DefaultItemOpen=1