

Ending Conversion Practices in Scotland



Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Scottish TUC

Phone number

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Questionnaire

Question 1

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

- Yes
- No
- Don't know

Question 2

Please give the reason for your answer to Question 1.

We believe that conversion practices are abusive, unethical, harmful and discriminatory. We fully support LGBT+ people to have equal rights at work and in society, this includes being able to live freely without fear of discrimination or harassment.

Question 3

Do you think that legislation should cover acts or courses of behaviour intended to 'suppress' another person's sexual orientation or gender identity?

- It should be covered
- It should not be covered
- Don't know

Question 4

Please give reasons for your answer to Question 3.

We believe suppression should be included in the legislation to fully protect LGBT+ people. LGBT+ people should not have to suppress their sexual orientation or gender identity and legislation must be in place to ensure they can live their lives freely from discrimination. Suppression is harmful and can lead to poor mental health and have long term negatives impacts for LGBT+ people.

Question 5

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

- Support
- Do not support
- Don't know

Question 6

Please give reasons for your answer to Question 5.

We would hope that attitudes will evolve following increased awareness of conversion therapy practices as the legislation progresses. This would in turn allow civil measures to deal with reports of conversion practices. However, we recognise that this is likely to be a long term consequence and will not work in all occasions, therefore criminal measures are also needed to fully protect people from harm.

Question 7

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

- Support
- Do not support
- Don't know

Question 8

Please give reasons for your answer to Question 7.

We do not believe that a “service” can be provided that is not harmful, encourages suppression and / or aims to change a person’s sexual orientation or gender identity. We believe that any such “services” harm people, supported by evidence from Westminster’s Parliamentary Office of Science and Technology which reports

“The best available scientific research suggests that there is evidence of serious harm associated with CT and very little evidence that CT can change a person’s sexual orientation or gender identity”.

<https://post.parliament.uk/research-briefings/post-pn-0658/>

Question 9

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

- Support
- Do not support
- Don't know

Question 10

Please give reasons for your answer to Question 9.

We do not believe that any coercive course of behaviour directed towards another person is justified or acceptable.

Question 11

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

- Agree
 Do not agree
 Don't know

Question 12

Please give reasons for your answer to Question 11.

Repeated studies show the outcome of conversion therapy is harmful and abusive. Westminster's Parliamentary Office of Science and Technology which reports:

"In qualitative studies, other harms reported by people who have undergone CT include: loss of self-esteem; anxiety; depression; social isolation; intimacy difficulty; self-hatred; shame and guilt; sexual dysfunction; and symptoms of post-traumatic stress disorder."

<https://post.parliament.uk/research-briefings/post-pn-0658/>

Question 13

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

- Agree
- Do not agree
- Don't know

Question 14

Please give reasons for your answer to Question 13.

Question 15

Do you agree or not agree with the proposed penalties for the offence of engaging in conversion practices?

- Agree
- Do not agree
- Don't know

Question 16

Please give reasons for your answer to Question 15.

Question 17

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

- Yes
- No
- Don't know

Question 18

Please give reasons for your answer to Question 17.

We reject any notion of consent to abusive practices and that “consent” cannot be fully informed, and likely to be achieved through indirectly where an individual is not aware the “service” or “treatment” they have agreed to is actually conversion therapy or by pressure from those who wish to cause harm to others.

Question 19

Do you have any other comments regarding the criminal offence as set out in Parts 8 and 9?

Question 20

What are your views on it being a criminal offence to take a person out of Scotland for the purpose of subjecting them to conversion practices?

- Support
- Do not support
- Don't know

Question 21

Please give your reasons for your answer to Question 20.

We believe people are at risk of harm and abuse if subjected to conversion therapy. This would be the case in Scotland, across the UK or in any other country. Therefore the protections should prevent people from being taken out of Scotland.

Question 22

What are your views on the proposed penalties for taking a person outside of Scotland for the purposes of conversion practices?

- Support
- Do not support
- Don't know

Question 23

Please explain your answer to Question 22.

Question 24

What are your views on the proposal that conversion practices should be an aggravating factor for existing offences?

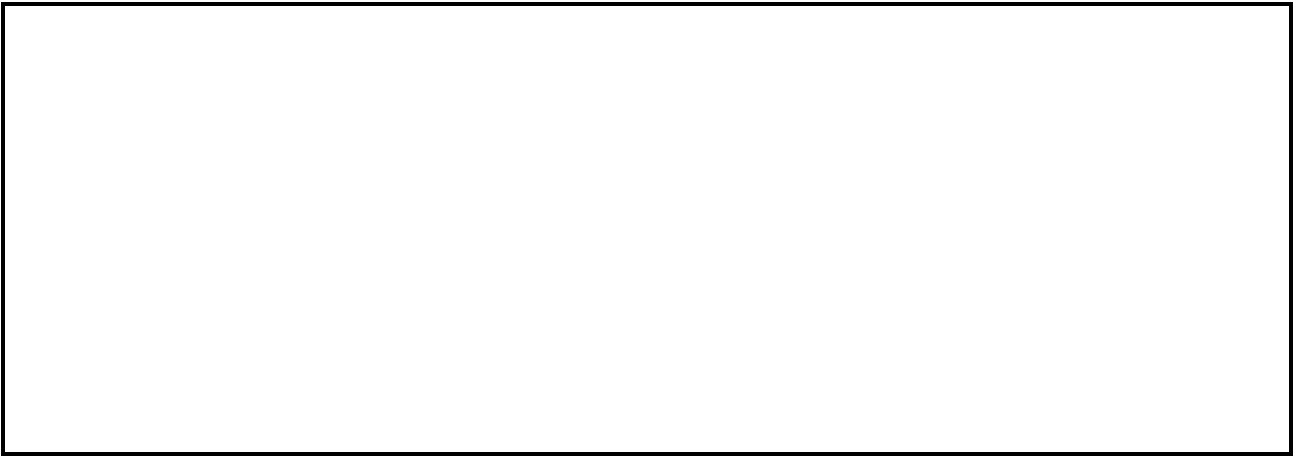
- Support
- Do not support
- Don't know

Question 25

Please explain your answer to Question 24.

Question 26

Do you have any views on the steps we have taken to ensure the proposals are compatible with rights protected by the European Convention of Human Rights?



Question 27

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

- Support
- Do not support
- Don't know

Question 28

Please explain your answer to Question 27.

Question 29

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

- Agree
- Do not agree
- Don't know

Question 30

Please explain your answer to Question 29.

Question 31

Do you have any other comments regarding the civil order as set out in Parts 13 - 15?

Question 32

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

- a) Age
- b) Disability
- c) Gender reassignment
- d) Civil partnership
- e) Pregnancy and maternity
- f) Race

We note with concern the figures reported by the National LGBT Survey and the disproportionate impact on BAME LGBT+ people:

“Black/African/Caribbean/Black British (13%) and Asian/Asian British (14%) respondents, and respondents belonging to an ‘other’ ethnic group (15%), were up to twice as likely to be offered, or to have undergone, ‘conversion therapy’ than White (7%) respondents.”

- g) Religion and belief
- h) Sex
- i) Sexual orientation

Question 33

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

Question 34

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

Question 35

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

Question 36

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

Question 37

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

Question 38

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