

'Banning conversion practices' consultation

GUIDE TO RESPONDING

The proposal document is available at:

bit.ly/nictproposal

The response form is available at:

bit.ly/nictrespond

The first 14 questions require you to answer using a tick-box. To submit a response, you must:

- a) say if you are responding on behalf of an organisation;
- b) indicate if you consent to your comments being attributed to you/your organisation;

c) consent to the Alliance Party privacy policy.

You are not required to give personal information, but you should be aware that responses are being collected by the Alliance Party, not by the Northern Ireland Assembly.

The consultation closes on Friday 28 March.

This guide identifies the key questions and gives tips on how to respond.

It is very important that you use your own words.

1 Are you responding as an individual or on behalf of an organisation?

2 Do you consent to your comments being attributed to you/your organisation?

3 Do you agree or disagree that legislation is necessary to ban conversion practices?

Disagree. You could then add one of the following points, using your own words:

- There are already laws covering verbal and physical abuse that protect everybody, so there is no need for a new law.
- There are various laws that can be used to tackle attempts to harm people, including Northern Ireland's existing law on coercion.
- 'Conversion practices' is an ill-defined term often used by activists to describe behaviour that should not be illegal, such as ordinary prayer and pastoral care.

4 Do you support an approach to defining conversion practices which covers 'techniques intended to change or suppress a person's sexual orientation or gender identity'?

No.

5 Do you agree or disagree with an approach that creates a new criminal offence of engaging in conversion practice?

Disagree.

6 Do you agree or disagree with the proposal that the offence will cover provision of a service intended to suppress or change an individual's sexual orientation or gender identity?

Disagree. You could then add one or two of the following points, using your own words:

- The definition of a service is very unclear. The proposal document says it includes "counselling" but does not say this will exclude pastoral care.
- The proposal document does not clarify that the ordinary work of churches will not be considered a 'service'.
- The proposal document says "coaching or instructing" would be deemed a service. This is extremely vague. Any attempt to encourage someone in a particular direction could be deemed 'coaching or instructing'.
- "Legitimate psychological or medical healthcare provision" is intended to be exempted from the Bill, but "legitimate church

work" is not described in similar terms.

7 Do you agree or disagree that an 'avoidance of doubt' clause should be included in the proposed legislation?

Not Sure. You could then add one of the following points, using your own words:

- No suggested wording has been provided for an 'avoidance of doubt' clause, so it is impossible to know what it will achieve.
- The risks of this aspect of a Bill go far beyond 'medical healthcare'. The ordinary work of churches must be outside the scope of a Bill.
- The fact there is a potential risk to medical healthcare demonstrates how vague the definition in the proposal is.

8 Do you agree or disagree with the proposal that the offence will cover a coercive course of behaviour intended to suppress or change an individual's sexual orientation or gender identity?

Disagree. You could then add one or two of the following points, using your own words:

- The proposals say that coercion will include "controlling, regulating or monitoring the victim's day-to-day activities". These are loaded terms. They could be wrongly used to capture innocent and necessary features of parenting as 'conversion therapy'.
- Christians oppose coercion and control, but these are also terms regularly incorrectly used to accuse ordinary believers. Ordinary parenting and pastoral practice could well be caught.
- Legislating on the vague and controversial concept of 'conversion practices' means there will inevitably be a risk that parents will be prosecuted merely for trying to guide their children to the path they believe is best for them.
- An offence would have to be targeted much more clearly. It would have to ensure that a church which teaches the Christian sexual ethic, and takes steps such as withdrawing membership from people who reject it, cannot be construed as engaging in conversion practices.

9 Do you agree or disagree that the conduct of the perpetrator must have caused the victim to suffer physical or psychological harm (including fear, alarm or substantial distress) in order for it to be an offence?

Disagree. You could then add one of the following points, using your own words:

- Defining harm to include mere distress is highly subjective. Convictions will be possible based simply on self-reporting by the person making the accusation. It is difficult to disprove someone's claim that they were distressed.
- This threshold is far too low. It will result in frivolous or malicious false accusations.
- There is no requirement to prove that the accused intended any harm. Being sure their behaviour was harmless will not help them. This will criminalise acting with the best of intentions merely because the person making the accusation claims to have been distressed.

10 Do you agree or disagree with the inclusion of a defence of reasonableness?

Agree. You could then add one of the following points, using your own words:

- If such a broad offence is introduced, it must include robust defences to protect innocent behaviour. However, the proposed reasonableness defence is too limited. The proposal document says "it is hard to envisage a situation where this defence would be used (page 6). What is the point of such a narrow defence?"
- A reasonableness defence is not enough to offset the breadth and reach of the offence.

11 The proposal does not include a defence of consent for conversion practices. Do you agree or disagree with this approach?

Disagree. You could then add one or two of the following points, using your own words:

- It is patronising to tell adults that they cannot consent to taking part in challenging conversations about their own sexuality or gender.
- Any law would have to make clear that praying with other people, at their request and with their consent, will not be criminalised.
- It is essential that an adult who wants support from their church to live a celibate life should be free to receive that support without other people accusing the church of conversion therapy.
- The offence will have a chilling effect on churches providing LGBT people with everyday spiritual support, for fear that they may later make accusations of conversion practices against the church.

12 Do you consider that the following sentencing range would be appropriate for this offence?

No. You could then add one of the following points, using your own words:

- A maximum seven-year prison sentence for such a vaguely defined offence is extremely dangerous.
- The consultation document compares its proposals with existing offences. But all the comparisons it cites require clearer intent or recklessness, and more serious conduct, as necessary elements of the offence.
- A prison sentence of up to seven years is wholly disproportionate for an offence with such a low threshold. Parents and pastors should not have to fear years in jail merely for trying to guide people in the Christian faith.

13 Do you agree or disagree that it should be a criminal offence to remove someone who is habitually resident in Northern Ireland from Northern Ireland for the purpose of subjecting them to conversion practice?

Disagree. You could then add one of the following points, using your own words:

- The proposal is too vague to prevent innocent people being caught.
- People regularly travel within the UK and Ireland with their church or to attend religious events and residentials.

People should not have to fear false accusations relating to conversion therapy when they do so.

14 Do you consider that the following sentencing range would be appropriate for this offence?

(NB this question relates to the offence in Q13.)

Disagree. You could then add one of the following points, using your own words:

- The vague proposal puts innocent people at risk. No sentence could be appropriate in this situation.
- A potential three-year prison sentence is far too high when the offence committed may only involve a conversation between two people.

15 How, if at all, do you think the proposed legislation will impact on human rights?

Significant negative impact. You could then add one or two of the following points, using your own words:

- The harm threshold is too low, the coercion requirement is vague and the proposal would not explicitly protect everyday pastoral and parenting situations.
- Simply explaining biblical teaching to someone who identifies as trans or as same-sex attracted must not constitute conversion therapy.
- The proposal document makes no attempt to discuss the vast range of human rights implications, despite serious concerns having been raised around the UK and Ireland.
- When human rights lawyers assessed similar proposals in Scotland and Westminster, they concluded they would impact four articles of the European Convention on Human Rights.

17 In your view, could the proposal have any unintended consequences? (positive or negative)

You could make one or two of the following points, using your own words:

- Several legal experts have warned that proposals on conversion therapy are likely to interfere with several human rights, including freedom of belief and the right to a private family life.
- 'Conversion' is a Christian term that refers to a person's relationship with God. The language of this law means it is likely to cut across church teaching.
- Parents will find it harder to talk to their children about sexual ethics and gender under a new law.
- Many aspects of church life could be impacted, including pastoral care, prayer meetings, Bible studies and church membership.

18 Do you have any other comments on the proposed legislation?

You could make one or two of the following points, using your own words:

- These proposals are modelled on the law put forward by the Scottish Government, which it has now abandoned because of legal concerns.
- The proposal document does not set out specific practices that would be caught by the new law. Without much greater clarity a new law will be impossible to understand and apply.
- There have been major problems identified with the studies cited in support of this proposal, including the 'National LGBT Survey' and the 'Study of Conversion Practices in Northern Ireland'.
- This is an extremely complex area in which to legislate, and needs far greater scrutiny than a Stormont Private Members' Bill would usually receive.

19 Privacy Policy

You must tick the box to say you have read the Privacy Notice before you can submit your response.