

**RESPONSE OF THE COUNCIL FOR PUBLIC AFFAIRS OF THE PRESBYTERIAN
CHURCH IN IRELAND TO THE UK GOVERNMENT CONSULTATION ON BANNING
CONVERSION THERAPY**

DECEMBER 2021

General comments

1. The Presbyterian Church in Ireland (PCI) has around 200,000 members belonging to 530 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy. Through its Council for Social Witness the Church seeks to deliver an effective social witness service on behalf of PCI, and to the wider community, through the provision of residential care, nursing care, respite care and supported housing for vulnerable people including the elderly, those with disabilities and those transitioning from the criminal justice system. The Council for Global Mission helps to lift our gaze as a denomination from the island of Ireland to the work of developing mission overseas, and brings issues of global concern to the attention of the wider church, including those which have a local impact like multicultural relations and stewardship of creation. Other aspects of the life, work and witness of the denomination are demonstrated through the work of the General Council, Council for Mission in Ireland, Council for Training in Ministry and the Council for Congregational Life and Witness.
2. Whilst recognising that this policy consultation document refers to proposed legislative changes within England and Wales, PCI welcomes the opportunity to contribute to this consultation process as matters relating to conversion therapy are also under consideration across the UK's devolved legislatures and governments. This submission reflects policy and context within Northern Ireland.
3. People in Northern Ireland, whatever their sexual orientation, should be able to live free from coercive practices designed to change their orientation, imposed upon them against their will. Coercive interventions with a view to changing an individual's sexual orientation against their will are wrong, and where current legislation does not adequately deal with these coercive practices then it would be appropriate to consider introducing new laws.

4. In seeking to promote the dignity, autonomy and well-being of all, there should be freedom for any individual to seek support to live in accordance with their conscience, including where that is shaped and formed by their personal understanding of faith orthodoxy and holy texts. For many individuals within our society this is the Christian faith and the Bible, which offer an understanding of the context of human relationships within a framework intended to facilitate the flourishing of all in society. We further recognise within a pluralist society there are a multiplicity of beliefs and faith traditions, including 'no-faith', and affirm the rights of every person to live in accordance with their beliefs.
5. PCI welcomes the commitment by the UK Government to protect "the vital values that underpin our democratic society, such as freedom of speech, freedom of belief and privacy" (paragraph 3); and that it is not the intention that everyday religious practice will be impacted by any policy changes or legislative developments resulting from this consultation (paragraph 25).
6. PCI offers the following comments and observations in response to the UK government consultation on banning conversion therapy as published by the Secretary of State for Foreign, Commonwealth and Development Affairs and Minister for Women and Equalities. In so doing we understand that this response will be shared with the Northern Ireland devolved administration (paragraph 6).

Definitions

7. The consultation document does not offer a clear legal definition of "conversion therapy" but yet sets out new criminal and civil measures to end "conversion therapy". PCI would suggest that "conversion therapy" in itself is an unhelpful term, precisely because it is defined differently by different people. When the UK Government finalises its proposals, it is essential that this will include clarity on what will be included, and what will not be covered by new legislation.
8. PCI notes that the Women and Equalities Committee in Parliament has discussed the use of the word "therapy" including whether this is the right term in light of the coercive and abusive practices which have been highlighted as requiring remedy through new legislation. It may be that a phrase like "conversion practices" would more helpfully act as a framework through which abusive actions can be identified and dealt with.
9. The consultation introduces the concept of "talking conversion therapy" (paragraphs 34 and following) indicating that "communication such as casual conversations, exchanges of views, private prayer or pure speech acts" would not be included in such a definition. However, there is no clarity about what would constitute legitimate talking conversion therapy, and what might be deemed to fall into categories that were not considered legitimate.

Physical acts of conversion therapy

10. As indicated earlier PCI is clear that coercive interventions with a view to changing an individual's sexual orientation against their will are wrong. Abusive and violent acts, including the use of drug treatments to limit and/or reverse sexual desire, or 'aversion therapies' such as electric shock (all of which have been sanctioned in state-run institutions in the past) are utterly and entirely wrong. Provisions to tighten the law to ensure such practices are appropriately addressed, through for example the proposal to introduce motivation by conversion therapy as a potential aggravating factor by a judge on sentencing, should be supported.

Talking conversion therapy

11. As recognised above the term "talking conversion therapy" is relatively new, without clearly defined parameters and boundaries. Again, the use of the term "therapy" is perhaps confusing and in the first instance alternative terminology might be helpful.

12. PCI welcomes the acknowledgement (paragraph 34) that private prayer, or an exchange of views, could not reasonably be understood to fall into the category of talking conversion therapy.

13. This section of the consultation document moves on to discuss practices of talking conversion therapy which might be construed as an attempt to "remedy or control" (paragraph 38).

14. As indicated above there should be freedom for any individual to seek support to live in accordance with their conscience, including where that is shaped and formed by their personal understanding of faith orthodoxy and holy texts. For many individuals within our society this is the Christian faith and the Bible, which offer an understanding of the context of human relationships within a framework intended to facilitate the flourishing of all in society. An outworking of this for those who are same-sex attracted and wish to live faithfully in the context of a biblical understanding of human relationships, is to abstain from sexual activity. Such a person may wish to receive pastoral care and support as they seek to live in this way. Without clarity around definitions of "remedy and control" there is a chance that an unintended consequence of a legislative ban on talking conversion therapy might be unreasonable government interference in reasonable religious practices.

15. The consultation document also refers to counselling under 18s (paragraph 39). In April 2021 the Moderator of the Presbyterian Church in Ireland, Rt Rev Dr David Bruce, wrote an article published in the Belfast Newsletter ahead of a debate on conversion therapy in the Northern Ireland Assembly. In his article Dr Bruce presented the following fictionalised example:

“Here is a fictionalised example, but one some of my colleagues in ministry will recognise. ‘Paul’, as a 16-year-old lad had a secret he couldn’t share. He was gay, and was sure that his feelings weren’t going to change. As a keen Christian he was conflicted. ‘Who should I talk to? If I go to my minister, or my youth leader, will they understand? Will they insist on telling my parents? Will they try to talk me out of it? Wouldn’t it be easier if I just quietly disappear, tell no-one, and leave church?’

“Paul’s story illustrates why there is both good and bad in the current proposals ‘to ban conversion therapy in all its forms’. The ‘good’ is the outlawing of clearly abusive practices, a number of which I have mentioned. But there is a ‘bad’ to these proposals, which may well be an unintended consequence of seeking the ‘good’.

“Is a youth leader, or a minister, to be prevented in law from having a loving, empathetic and compassionate pastoral conversation with a young person of faith about these questions? Can they pray together about these matters? We pray about the most personal aspects of our lives, from relationships to career choices. Why then should ministers and leaders be prevented from praying with members of our own churches who seek it, simply because their request to talk involves their sexuality? Why should it be considered wrong for a minister to talk freely with anyone about living the Christian life?”

16. The UK Government indicates its intention to develop a new talking conversion therapy criminal offence that operates on two tests – 1) coercion or control and 2) motivation of conversion therapy (paragraph 53). Is it possible that, although possibly unintended, the scenario outlined above could fall into one or both of these categories?
17. Clearly teaching the Christian faith, including an understanding of the context of human relationships and human sexuality on the basis of an understanding of the Christian scriptures, is an important part of what we would call “discipleship” – that is the practical outworking of this in our lives and choices.
18. Legislative proposals, which would prevent a minister or other leader in a faith context fulfilling their pastoral duties responsibly and well, ought to be rejected. Thresholds to prove coercion must be rigorous to prevent against spurious allegations, and the creation of a chilling effect for any Christian involved in pastoral care and discipleship.

Additional policy tools to end conversion therapy

19. PCI welcomes the acknowledgement of the fundamental principles of freedom of speech, religion and belief in paragraph 59:

“we do not consider speaking about perceived ways to change someone’s sexual orientation or change them to or from being transgender to constitute promotion of conversion therapy. Artistic depiction of conversion therapy will also be protected. As disagreeable as some statements may be, freedom of speech, religion and belief are fundamental principles.”

20. This is particularly important in the current context where many churches are utilising forms of broadcast media, for example through YouTube and Facebook, to transmit worship services, bible studies and prayer activity as a result of restrictions and changes implemented in response to the Covid-19 pandemic. Ministers and other Christian leaders must continue to have the freedom to offer an understanding of the context of human relationships within an understanding of the Bible intended to facilitate the flourishing of all in society.

Ensuring charities do not support conversion therapy

21. The UK Government proposes to “strengthen the likelihood that individuals and charities carrying out conversion therapy are either disqualified from being a trustee or senior leader in a charity where appropriate” (paragraph 87). Recognising that this consultation only covers legislation that might apply in England and Wales, PCI does however consider that there are important matters of principle here which should be highlighted.
22. Within the Presbyterian Church in Ireland the Kirk Session is the governing body of a congregation, made up of a number of “ruling elders”, elected by church members. Within PCI the elders act as the charity trustees and are responsible for the congregation’s compliance with the requirements of charities’ legislation in Northern Ireland. Many of these ruling elders will also be involved in charitable activities, and hold trustee positions, outside of congregational and church life.
23. Without clear definitions of conversion therapy, and in particular “talking conversion therapy” there is little protection for churches and ruling elders to be protected against spurious allegations and this proposal creates the prospect of negatively impacting on discipleship, pastoral care and support within congregations.
24. Additionally, PCI would highlight the practice of some public authorities which require those organisations wishing to avail of grant aid, or to access services and resources, to agree to certain additional standards which may have become the view of wider society, but which may also run contrary to the beliefs and values of Christian churches or other faiths. This not only has a chilling effect in terms of privatising religious practice, but has the potential to directly discriminate against clearly held religious beliefs.

25. PCI is of the view that the powers already given to the Charity Commission for Northern Ireland in section 33 of the [Charities Act \(Northern Ireland\) 2008](#) are sufficient to deal with any suspected or alleged misconduct or mismanagement in the administration of a charity, and provides flexibility to deal with matters of concern detailed within this consultation document.

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**Rev Daniel Kane (Convener of the
Council for Public Affairs)**

Handwritten signature of Trevor D Gribben in black ink, with a long horizontal line underneath.

**Rev Trevor D Gribben
(Clerk of the General Assembly)**