



10 May 2023

Minister for Equalities, Migration and Refugees
The Scottish Government
St. Andrew's House
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FAO Emma Roddick MSP

Dear Minister

Expert Advisory Group on Ending Conversion Practices Report and Recommendations

I am writing on behalf of the Fellowship of Independent Evangelical Churches (FIEC), a network of 34 churches across Scotland (from Dumfries to Orkney).

We wish to express our concerns about the above report and its potential to be the basis for Conversion Therapy legislation in Scotland. We are gravely concerned that many of the measures proposed in the Report would have deeply damaging implications for both freedom of religion and freedom of speech in our Nation.

Shared disdain

Firstly, please be assured that we share the Report's disdain of all 'non-consensual medical treatments', 'torture, cruel, inhuman and degrading treatment'¹ that have been used on occasions to try and 'convert' people from particular sexual orientations and struggles with gender identity². Where such practices exist we would be supportive of the necessary measures to outlaw them. We note however, along with the Report, that such practices are already outlawed³.

Our rejection of such practices is driven by our Christian Faith and the Bible's teaching that every individual is a precious soul made in the image of God. That does not mean, of course, that human beings will agree on everything, but it does mean we all have a responsibility to treat others, especially those with whom we differ, with care and respect.

CONCERNS

We are nonetheless extremely troubled by the nature and extent of the Expert Advisory Group's (EGA) proposals, which seem to go far beyond outlawing such abusive practices, to the extent of potentially making even the expression of contrary opinions illegal.

Freedom of Speech

Freedom of Speech is, of course, the bedrock of a truly free and democratic society.

¹ Expert Advisory Group on Ending Conversion Practices, Report and Recommendations (October 2022), p12

² See also the list of practices noted: Ibid, p41

³ Ibid, p13

Upholding this freedom can be uncomfortable and challenging, but without it orthodoxies can never be challenged and those with power can simply avoid accountability. Indeed, it is that commitment to ‘freedom of speech’ that allowed the LGBT+ community to challenge previous ‘power structures’ and overturn many historic injustices.

Such freedom of speech, is also at the heart of protecting ‘Freedom of Religion’ (another pillar of human rights) – that is, the ability of faith communities to both practice their religion and to contribute to wider civic discourse, including respectfully interacting with those of different faiths or who profess no faith.

We were therefore disappointed that the EAG Report did not set out clear protections for those rights. For example, the 2021 Westminster Consultation Outline⁴ made it clear that ‘simply expressing the teachings of a religion will not constitute conversion therapy’. Also that the concept of ‘talking conversion therapy’ should not be ‘reasonably understood’ to include ‘casual conversations, exchanges of views, private prayers or pure speech acts’.

The EAG Report notes that ‘numerous religious groups have declared their support for the prohibition of conversion practices’⁵. It does not, however, list those groups or indeed the numerous religious groups who while agreeing (as FIEC does) with the outlawing of abusive practices, would nonetheless be greatly alarmed by the Report’s apparent all-encompassing prohibition of any dissent or alternative engagement in this area.

Suppression

The Report speaks of the ‘practice of suppression’⁶ as being a key part of defining ‘conversion therapy’ – that is, making it illegal not just to try and ‘convert’ a person from their chosen gender identity or sexuality but simply to inhibit its expression. The EAG Report does not specify what such ‘suppression’ would look like (e.g. coercive, invasive, bullying behaviour?). It thus opens the door to the potential criminalisation of any dissent or disagreement (however respectful). Indeed, our fear is that the language of ‘suppression’ is intended (or will in time be used) to imply that even ‘non-affirmation’ is somehow abusive and ought to be illegal (i.e. ‘If you don’t actively agree or support me you are committing an offence’).

This concern is also heightened by Section 28⁷ of the EAG Report, which expressed concerns about the beliefs of religious communities (or indeed families) that could mitigate against certain gender and sexual identity expressions (including religious beliefs about the nature of marriage).

We would suggest that such language (and any attempt to legislate on the basis of it) is contrary to basic human and family rights as outlined in ECHR Article 2, Protocol 1⁸. That is, while this right cannot include coercion or manipulation, it does protect the right of parents to bring-up their children in the setting of a community where their religious beliefs are taught and encouraged.

The reality is that many of the historic and widely (globally) held beliefs of Islam, Judaism and Christianity do not concur with more recent Western ideologies on gender and sexuality. That may be disagreeable to some, but in a free society such differences ought to be debated without the need to silence or criminalise opponents.

⁴ <https://www.gov.uk/government/consultations/banning-conversion-therapy/banning-conversion-therapy>

⁵ Ibid, p13

⁶ Ibid, p16 (also p22, 39)

⁷ Ibid, p39

⁸ https://www.echr.coe.int/documents/guide_art_2_protocol_1_eng.pdf

Freedom of Choice

The Report proposes that 'conversion therapy' should not be permissible even with consent⁹. This is something we would agree with as regards to any demeaning, degrading or abusive practices (as noted above).

However, we are concerned (and perplexed) by the Report's desire to prohibit any engagement (even where consensual or sought) with anyone seeking to explore alternative beliefs about gender or sexual identities. This seems an unnecessary and highly draconian restriction on the autonomy of individuals to examine and, if desired, to make alternative choices regarding their private affairs.

Indeed, it is something of an irony that such third-party help for individuals to explore and change is enthusiastically supported by the Scottish Government when the exploration and change is towards LGBT+ identities. Surely, such freedoms should apply in all directions?

Conclusion

As a network of Christian churches we too are anxious to ensure that vulnerable people are protected (and are grateful for laws that do so). Indeed, we feel shame for those occasions when individuals have suffered due to misguided and abusive 'conversion' practises that have been carried out in the name of religion.

However, the EAG proposals, if accepted, will almost certainly undermine long-standing and vital freedoms in Scottish society. The effect of such legislation, we fear, will inevitably result in the prosecution of some of Scotland's otherwise most law abiding and peaceable citizens simply for living in accordance with the historic beliefs of their faith.

We would therefore ask, that any proposed legislation clearly upholds both Freedom of Speech and Freedom of Religion – by outlining that the respectful and non-coercive expression, debating and indeed promotion of alternative views on both gender and sexual identities will be protected.

We would also strongly request that credible religious and non-religious representatives who hold such alternative views should be further consulted and thus help ensure that all parts of our Scottish society are heard and respected.

With grateful thanks for your public service.

Yours sincerely,

Andy Hunter
Director for Scotland
Acting Head of Local Ministries

⁹ Ibid, p23.