



# FREE TO TALK OPPOSES LEGISLATION TO BAN WHAT IS CALLED ‘TALKING CONVERSION THERAPY’

## 1. A ban simply targets consensual conversations

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- The only new legislation proposed by the government was a ban on ‘talking conversion therapy’
- Although the consultation document claimed that “casual conversations, exchanges of views, private prayer or pure speech acts” could “not be reasonably understood” as talking conversion therapy, campaigners for a ban explicitly target these scenarios.<sup>1</sup>
- The government has not explained how it will protect these everyday examples of speech – about which there is no formal research – from inevitable accusations.
- The government seeks to draw a line between what it describes as legitimate therapy and ‘talking conversion therapy’ based solely on the client’s intention (to see change) and the therapy’s purported beliefs about sexuality. This is merely viewpoint discrimination and fails to address what contemporary therapy for unwanted sexual attractions entails: standard therapeutic and counselling practices.

**In summary: a conversion therapy ban only targets ordinary conversations, based on the viewpoints of those speaking.**

## 2. Talking doesn’t harm – there is no justification for a ban

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- Consensual conversations should not be banned – people should be free to seek whatever help they want.
- Nevertheless, advocates for a ban claim that the harm of talking therapies is so great that a ban is necessary. This is not true.<sup>2</sup> The latest and highest quality peer-reviewed studies show the opposite – legitimate talking therapies do not harm mental health, even if unsuccessful. They may well improve mental health.



- The government’s review of evidence excluded studies with equivalent or better methodology than those it allowed. Several studies that were included showed mental health benefits even among those who did not experience lasting change. One study concluded that it was comparable to psychotherapy in general.
- The researchers’ conclusion that therapy is ‘associated with harm’ is baffling, even based on its flawed evidence base. However it is unsurprising, given its whole purpose: to justify the government’s plan to have a ban in place before the ultimately scrapped Safe To Be Me conference in June 2022.

**In summary: the evidence does not show that formal talking therapies cause harm – a ban is not justified.**

### **3. A ban would breach human rights**

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- It is normal for people seeking therapy or counselling to seek a particular outcome. A conversion therapy ban specifically targets any such approach in the areas of sexual or gender identity.
- People who seek help to move away from unwanted sexual attractions or behaviours, or to reconcile their gender identity with their biological sex, include:
  - People who are married and have children and want to keep that intact
  - Christian clergy who wish to remain faithful to their religious vows
  - People of faith who wish to live in accordance with their beliefs
- Restrictions on such people seeking and receiving help breach articles 8 (Right to respect for private and family life) and 9 (Freedom of thought, conscience and religion) of the European Convention on Human Rights.
- To be compatible with the ECHR, a ban would need to be shown to be necessary and narrowly tailored to serve one of the legitimate aims identified in articles 8 and 9.
- A broad or outright ban is unlikely to pass Convention scrutiny.
- A ban on conversations relating to gender identity will face even greater obstacles, given the even greater absence of evidence.

**In summary: any ‘talking conversion therapy’ ban would likely breach human rights.**



## 4. There is also no need for a new law on physical practices

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- Physical acts of violence and other acts that amount to ‘torture’ are already banned under UK and human rights laws. The government acknowledged this in its 2021 consultation.<sup>5</sup>
- Talking therapy, counselling and pastoral conversations are completely different practices and require separate evidence. Advocates for a ban conflate these consensual conversations with already-illegal practices in order to paint legitimate discussions as damaging – this is equivalent to banning all psychological interventions as harmful because lobotomies were once advocated.
- No evidence has been provided that ‘physical conversion therapy/practices’ are common in the UK.<sup>6</sup>

**In summary: harmful physical practices are not a significant problem in the United Kingdom. In any case, existing legislation would sufficiently address them.**

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<sup>1</sup> E.g. Jayne Ozanne on [prayer](#), Jacob Young MP on [conversations](#), Matthew Hyndman on [pastoral conversations](#).

<sup>2</sup> For details on why the research does not provide real evidence of harm, visit [freetotalk.org/talking-doesnt-harm](https://freetotalk.org/talking-doesnt-harm)

<sup>5</sup> Govt proposals: <https://www.gov.uk/government/consultations/banning-conversion-therapy/banning-conversion-therapy> Section 4: “our existing criminal law framework means no act of harmful physical violence done in the name of conversion therapy is legal in this country”

<sup>6</sup> The gov’t proposals rest on the findings of its 2017 National LGBT survey ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722314/GEO-LGBT-Survey-Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722314/GEO-LGBT-Survey-Report.pdf)). The survey did not define conversion (or ‘reparative’) therapy (p14) and no serious attempt has been made to distinguish between different efforts. Nevertheless, the governments’ evidence assessment (<https://www.gov.uk/government/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study/conversion-therapy-an-evidence-assessment-and-qualitative-study>) admits “aversive techniques were not reported by interviewees” in its findings.

**For more information and evidence on any of these points, or for any other queries, please go to [freetotalk.org/contact](https://freetotalk.org/contact)**