

**Friday
1 March 2024**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 1 March 2024

House of Commons

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER in the Chair]

Nick Fletcher (Don Valley) (Con): I beg to move,
That the House sit in private.

Question put forthwith (Standing Order No. 163).

The House divided: Ayes 0, Noes 64.

Division No. 85]

[9.34 am

AYES

Tellers for the Ayes:
Miriam Cates and

Nick Fletcher

NOES

Aiken, Nickie
Antoniazzi, Tonia
Bristow, Paul
Brown, Ms Lyn
Brown, rh Mr Nicholas
Buchan, Felicity
Burgon, Richard
Butler, Dawn
Byrne, Ian
Cadbury, Ruth
Caulfield, Maria
Chope, Sir Christopher
Churchill, Jo
Clarkson, Chris
Colburn, Elliot
Dalton, Ashley
Davies, Gareth
Davison, Dehenna
Dodds, Anneliese
Everitt, Ben
Fell, Simon
Fletcher, Mark
Freer, Mike
French, Mr Louie
Ghani, Ms Nusrat
Gibson, Peter
Glen, rh John
Green, Chris
Greenwood, Margaret
Griffith, Dame Nia
Halfon, rh Robert
Hands, rh Greg
Hanvey, Neale
Harris, Rebecca

Hollobone, Mr Philip
Hopkins, Rachel
Jardine, Christine
Jarvis, Dan
Jones, Darren
Kearns, Alicia
Kruger, Danny
Long Bailey, Rebecca
Mann, Scott
McDonnell, rh John
Millar, Robin
Milling, rh Dame Amanda
Murrison, rh Dr Andrew
Nokes, rh Caroline
Osborne, Kate
Peacock, Stephanie
Pennycook, Matthew
Philp, rh Chris
Pollard, Luke
Russell-Moyle, Lloyd
Shah, Naz (*Proxy vote cast by
Dawn Butler*)
Sobel, Alex
Wakeford, Christian
Wallis, Dr Jamie
Western, Matt
Whittome, Nadia
Wild, James
Wood, Mike

Tellers for the Noes:

**Mark Jenkinson and
Amanda Solloway**

Question accordingly negatived.

Conversion Practices (Prohibition) Bill

Second Reading

[*Relevant documents: Correspondence between the Petitions Committee and the Minister for Equalities, on conversion practices, reported to the House on 21 November and 14 December 2023; e-petition 613556, Ensure Trans people are fully protected under any conversion therapy ban; and e-petition 300976, Make LGBT conversion therapy illegal in the UK.*]

9.46 am

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op):
I beg to move, That the Bill be now read a Second time.

When my former partner disclosed to me that he had twice gone through conversion practices, first facilitated through his family in church and secondly through his work in the church, I was shocked that such practices still take place in the 21st century. The trauma he still carries around with him is immense. No number of laws can rewrite history, but we can pledge, as all the main parties did in 2019, to ensure that no one goes through the trauma that he and many others still have in the future.

In recent years, we have had two petitions debates, four debates in Parliament, four written statements and sets of Government research, consultations and briefings, but in six years, we have failed to do what other countries have done in six months, which is to produce a ban that stops people falsely claiming that they can convert people's sexual orientation or transgender identity. That false hope—false advertising, as it were—is not innocuous, and it causes great harm, but it is not currently captured in our laws. Despite all the main parties agreeing that this is an area we must act on, the issue has been put in the “too hard” box. The Government have consulted on it and years have passed, caught in a culture war where survivors are forgotten. The Government's Bill, with its bells and whistles, seeks perfection, but delays have allowed the practice to go unimpeded, and that is of no use to man or beast.

Matt Western (Warwick and Leamington) (Lab):
I congratulate my hon. Friend on bringing the Bill forward. To pick up on that point, it is striking how long this has taken compared with other nations. The stalling coming from Government, when surely we are simply seeking to protect vulnerable people, seems a little obvious. Does he agree that any ban needs to be inclusive of all LGBT+ people?

Lloyd Russell-Moyle: I totally agree. Everyone in the House will know that I am not immune to getting stuck into this debate. We have had sparring partners across the Chamber on these issues, but that has led us nowhere. It has led to the delay itself and given a green light to many who think this practice might now be acceptable, rather than the abhorrence we all think it to be.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba):
The hon. Gentleman makes the important and strong inference that this is a commonplace occurrence. Will he give some evidence of the distribution of conversion practices, their incidence, and who is being affected? What is the true data on the matter?

Lloyd Russell-Moyle: I will come to exactly that in a moment, but the hon. Member makes valid points that we should address.

[Lloyd Russell-Moyle]

Some were worried when I was drawn in the private Member's Bill ballot that I would produce, as one Whip put it, a "batshit crazy" Bill. Others were worried that I would produce a Bill that would not stop this practice and would have too many loopholes. But after months of meetings, quiet conversations, going on BBC "Politics Live", offering a meeting to anyone who wanted one and meeting colleagues across this House, all with different views, I hope that the words of the same Whip, saying "Blimey, he's actually produced something quite sensible" will ring in the ears of everyone in this debate.

Margaret Greenwood (Wirral West) (Lab): I congratulate my hon. Friend on this incredibly important Bill. A number of constituents have written passionately to me about it. According to the UK Government's own research, 7% of LGBT people have been offered or have undergone conversion therapy. That indicates that in the last five years thousands of people have been at risk of harm. Does he agree that the scale of it must be recognised, and that it must stop?

Lloyd Russell-Moyle: I quite agree. I understand from previous conversations that the Government do not outright oppose the Bill—we will see how the Minister responds today, as that might have slightly changed. It is quite right that they do not oppose it, because they have put forward this proposal numerous times. They are reserving judgment on some of the technicalities. I have given the Government two opportunities to propose amendments in the public consultations that I have run. They proposed no amendments. In fact, the Government agreed to do pre-legislative scrutiny of their own Bill but, six months later, that has not happened.

Alicia Kearns (Rutland and Melton) (Con): On 31 January 2023 I tabled an amendment to the Online Safety Bill on conversion therapy. We had the numbers, but I told the Government that if they said in a written ministerial statement and on the Floor of this House that they would commit to pre-legislative scrutiny that would be completed by October, I would not push the amendment. I did not push the amendment because that commitment was given. Does the hon. Member agree that we have been brought to this place because the Government have not delivered on their manifesto commitment, despite having made promises on the Floor of this House to Conservative Members?

Lloyd Russell-Moyle: I quite agree. That is why it is important that the Government support the Bill, and thrash out the details later in Committee.

When I met the Secretary of State we talked about two-track progress: get the Bill in Committee, and use it to thrash out the details and allow the Government to keep developing their own plans, informed by the Committee. I hope the Government will honour the spirit of those discussions as I have entered into this process. I hope we can have a full debate and get to a natural end. But if need be, with the permission of Mr Speaker and the Deputy Speakers, I believe that we have the numbers to divide on a closure motion. It would be much better to air the views of the House without dividing, and allow this new collaborative tone to sort out the issue in Committee.

I remind hon. Members that Conservative Members have tabled two amendments to the Criminal Justice Bill that provide less protection and, rather than the fines under my Bill, prison sentences. This is an opportunity to get consensus before further-reaching measures are pushed to a vote in this House. If this Bill is talked out today, I will support those measures.

I will spend the rest of my speech on the technical aspects of the Bill and why we have come to the judgments that we have. Much of that is outlined in my explanatory notes, which my office has drafted. I am sure that other colleagues will want to talk about the experiences of their constituents, and I am happy to take as many interventions as I can, but I will try to make some progress.

This is not a debate on the wide trans issue—that will continue outside the Bill—or the merits of affirming or exploratory healthcare. We have the Cass review, and other evidence will come forward down the line. This is a framework Bill on conversion practices. It is not the same as the Scottish proposals or proposals in other countries. It addresses the concerns raised in the House of Lords, and I thank Baroness Burt for introducing a Bill to allow those views to be expressed. I have taken them on board. I beg Members to focus on the Bill, not the adjunct. However interesting the wider debate may be, this is a debate about how we ensure that people do not have a premeditated purpose to intend to change someone's sexual orientation and transgender identity—terms that exist in British law today.

Miriam Cates (Penistone and Stocksbridge) (Con): I thank the hon. Gentleman for giving way, and I want to put on record that he has been absolutely brilliant in engaging with a whole range of colleagues—he is absolutely correct. I appreciate that he does not want the debate to become about the transgender issue, as he says, but the Bill states that

"'conversion practice' means a course of conduct or activity, the...intent of which is to change someone's...to or from being transgender;"

so the idea of being transgender, or the definition of transgender, is very much at the centre of it. Whether the Bill accurately defines what that means is key to whether it can be effective.

Lloyd Russell-Moyle: That is exactly why I have used words that already exist in legislation. We can have that debate on the Sentencing Act 2020 and on the Equality Act 2010—I wish you good luck in that—but rather than trying to debate things that this House has already settled, let us move forward with how we try to stop these practices.

Danny Kruger (Devizes) (Con): I join my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) in her remarks about the engagement we have had, and I am sure that we will have a civil debate today. The hon. Gentleman refers to the definition of transgender identity as already existing in legislation. It does, in the Sentencing Act to which he refers, but can he give us further information on that definition? As I read it, it is simply a reference to whether transgender is an aggravating factor in a criminal offence; it does not provide the definition we need. So his Bill will entrench in law that totally undefined concept.

Lloyd Russell-Moyle: I will come to the hon. Gentleman's point and will suggest an amendment that might, if he were to allow it to proceed in Committee, make him feel happy and resolve the situation.

Christian Wakeford (Bury South) (Lab): Surely the entire point of the Bill is what my hon. Friend is already addressing, which is that the practice is evil: it is evil against gay people, evil against lesbian people, and evil against transgender people. If it is abhorrent for everyone, it is abhorrent for everyone, so it should be tackled.

Lloyd Russell-Moyle: I totally agree.

In the process of writing the Bill, I endeavoured to meet everyone who asked. I visited people in their communities across the country and I invited people to meet in this place. I want to thank various groups, including Stonewall, the Ban Conversion Therapy campaign group, TransActual, TransLucent, and the medical profession. But I also want to thank people who have very different views from mine, who I have met and listened to: the Christian Institute, Keira Bell and her lawyers, the LGB Alliance and the Gay Men's Network, to name a few. I have engaged with all in good faith. I have considered and, in most cases, adopted suggestions that each one of those groups has made to make the Bill better.

Christine Jardine (Edinburgh West) (LD): I thank the hon. Gentleman for giving way. He is making a very powerful point and I commend him for the amount of work he has obviously done to reassure people. I think we are all aware that at the moment the debate around transgender issues has become incendiary and difficult, and a lot of damage has been done to a lot of people. One thing I found about his Bill is that, if I am reading it correctly, it aims to be reassuring. There is no attempt to stop people discussing their sexuality, there is no attempt to stop them discussing it with people from whom they might want to take advice, and there is no attempt whatsoever to stop them trying to explore the issues on their own. It is simply protecting them from unwanted interference and traumatic attempts to change them.

Lloyd Russell-Moyle: That is why the predetermined purpose is so important in the Bill. Rather than having arguments about which evidence is better, I have sought a way to find a framework that addresses the real or perceived problems of what it is claimed is happening in any direction. I think we should all agree that it is abuse and the Bill will stop it.

I understand the nervousness of some in the trans community who have been subjected to a decade of victimisation, but the Bill will protect and support them. I understand the wariness of many counsellors and psychotherapists who have been attacked in one direction or another, and who are fleeing the profession because of the lack of guidelines in this area. The Bill will help to re-set the debate with a framework that focuses on predetermined purposed. It means that if you explore or support people through a process, you will always be protected. When people insist that you must have a predetermined outcome in mind at the start of a process, you will now have the guidelines and can push back, saying, "That is not within the scope of what I can do in law."

Dawn Butler (Brent Central) (Lab): I congratulate my hon. Friend on the Bill. Childline has talked about how young people have contacted them feeling torn and talking about what they are going through. They need a safe, non-judgmental space. Does he agree that his Bill will do just that?

Lloyd Russell-Moyle: I hope it does.

Yesterday, all the major counselling, therapeutic and health organisations provisionally agreed an indicative vote to support the Bill, with no organisation voting against. The British Medical Association and the Royal College of Nursing support a ban on conversion practices.

Let us come to the evidence I have been asked for. The Government themselves did a survey in 2017, and more recently commissioned a piece of work in 2023, indicating that this is a live issue. According to the research, one in five people have been subject to someone trying to change, cure or suppress their sexual orientation or transgender identity. More than one in five people from a religious and faith background, and one in six from a non-religious background, have experienced conversion therapy.

When the hon. Member for Devizes (Danny Kruger) attended one of my drop-in briefings on the Bill, he asked about the number of young people who have been affected by such practices. In a weighted YouGov survey—using its usual weighting metrics—of 2,000 people in 2023, 10% of those aged over 65 said they had undergone or been offered conversion therapy, whereas the figure was 8% for 16 to 17-year-olds, and 7% for 18 to 34-year-olds—shockingly high. It shows that this is a live issue. It is the same with the NSPCC, as we have heard: over 50 young people phoned its helpline last year, saying that they were being threatened with, or subjected to, conversion practices.

I know that some Members would prefer to bring in a ban on sexual orientation conversion practices—LGB only—and not touch on the transgender elements. There are a couple of reasons why I think that would be a foolish approach. First, the Government have themselves carried out reviews and repeatedly said that we need a trans-inclusive ban. In fact, Ministers have said that trans conversion is their main concern. They cannot say it is a huge concern that people might be converted from being transgender, and then say we do not need a ban on either-way conversion therapy.

Secondly, we must recognise that LGB and transgender are separate, but they are interlinked. People exploring their sexual orientation will sometimes come to consider their transgender status. To not include transgender would allow a loophole whereby people who wanted to force someone to be gay, but not trans, could claim that they were offering transgender therapy, rather than LGB therapy, which would make the Bill useless.

Thirdly, there is pretty well-established research on the LGB conversion therapy problem, but there is significant and growing research, from Britain and around the world, that conversion therapy is a problem for the transgender community as well. In fact, the Minister for Women and Equalities, the right hon. Member for Saffron Walden (Kemi Badenoch), said in a letter on 7 February that she had significant evidence that children might be subjected to conversion practices for being transgender. I have not seen the evidence—I do not

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endorse it per se—but I have seen significant accounts from many survivors who have been forced not to be transgender. All sides are saying this is happening. The direction of conversion is irrelevant, but it is an indication that we need to take action, and my Bill does so.

Kate Osborne (Jarrow) (Lab): My hon. Friend mentioned the NSPCC's report on the challenges that young people are facing about sexuality and gender identity. The findings include that 3,400 children and young people in the last year wanted to talk to counsellors about their worries about sexuality or gender identity. Some of these children described instances of emotional abuse in the family home, including constant shouting, hurtful comments and threats of violence. Some children had been threatened with, or had undergone, some form of conversion practice intended to cure their sexuality or gender identity. Does my hon. Friend agree that, in passing this Bill, we will help prevent more children from being subjected to that, and send a clear message that we will not allow people to suffer the painful abuse of so-called conversion practices?

Lloyd Russell-Moyle: I quite agree. This Bill stops parents sending their children to conversion practices; it does not promise to solve the world for LGBT people. I cannot promise that parents will not shout or be abusive, or that people will not say nasty things—I am afraid that is the nature of a democratic society sometimes. But what we can do is stop premeditated purposes, processes, courses of conduct and activities that aim to do something that cannot be done. That is what every other Bill in the world on this topic has done. The Bill goes in both directions. Whatever the direction of the conversion, it is abhorrent and must be stopped.

Some have said to me that the existing legislation covers violent and physical acts, and of course it does—violent, abusive and bullying coercion and harassment can be caught under current crimes—but the Government's 2021 consultation said that new criminal law is needed to fill the gap between physical abuse and a process that causes long-term harm. The Bill therefore makes a clear statement that conversion practices should be illegal and that the most egregious cases should be prosecuted. It avoids clashing with existing laws focused on harm—doing so would result in survivors being retraumatised through lengthy court battles—and instead looks at the intent behind the actions. To get the balance right, the Bill clarifies that certain actions will not constitute an offence.

Miriam Cates: The hon. Gentleman is talking about abusive practices and practices that cause harm. Of course, we all condemn anything that is abusive and, as he says, the vast majority of those acts are already covered by law, but the Bill does not actually mention abuse, or indeed harm. There is not a threshold of harm beyond which a practice, which could be a speech-based activity, is unlawful. For example, a detransitioner—he mentioned Keira Bell—trying to persuade an individual not to go ahead with surgery or hormone treatment that would have a permanent impact could be caught by the Bill, yet many of us would not say that is harmful or abusive; in fact, it is the opposite. Would that person not be caught by the Bill?

Lloyd Russell-Moyle: I do not believe that the Bill would catch people who express personal reservations about certain processes; it would catch people who have prepared programmes and activities, not ad hoc activities. I will come on to that safeguard in a moment. That is exactly why we need to get the words and safeguards right, and why we need to do so in a Bill Committee. We must not reject the Bill, because the hon. Lady might find that we go out of the frying pan into the fire.

The Bill allows Ministers in Northern Ireland and Scotland to enact it within their jurisdictions, but only with the consent of their respective national legislators. It creates offences in relation to people being sent abroad, and it uses existing language for the law to provide fines to be issued. My aim is not to lock people up but to stop this practice.

The key to the Bill is contained in the definition of “conversion practice”, which must be

“a course of conduct or activity”.

A course of conduct in English law is something that happens more than once, and an activity is not ad hoc but a planned intervention. That does not include one-off, impromptu actions; there must be a predetermined purpose. That is a higher threshold than just immediate intent. The predetermined outcome must have been indicated before the course of conduct or activity started, not during it. That provision protects people having thoughtful conversations, who could of course question people via that process.

The Bill says:

“to change someone's sexual orientation or to change a person to or from being transgender”

includes

“to suppress a sexual orientation or transgender identity”.

I know some have been nervous about that wording, but I must be clear that suppression must be at the level of negating the identity or orientation. That means that the very being of their orientation must be changed in some way. Many gay people never have sex. Many transgender people do not wear gendered clothes. Those actions do not constitute suppression; they do not negate the orientation or identity in full or in part. It cannot be claimed that this wording is therefore an overreach.

The Bill would use only pre-existing terms from other laws to describe “sexual orientation”, “transgender” and “transgender identity”. I have received an interesting representation in the past few days that we should use the term “being transgender”, rather than the interchangeable terms “transgender” and “transgender identity”, with “transgender” being more clearly defined in the law we have at the moment. If that is better wording, it is the sort of thing I would willingly accept in Committee, after we have had the discussion. That is a real reason for us to get into Committee and work out those details. Sexual orientation is, of course, defined in the Equality Act 2010 in terms of a person having sexual feelings towards

“(a) persons of the same sex,

(b) persons of the opposite sex, or

(c) persons of either sex.”

That definition is used in section 66 of the Sentencing Act 2020, where “transgender” is defined in subsection (6)(e) as follows:

“references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment”. The term “transgender” is also used in subsection 1(e), which states:

“hostility related to transgender identity”.

Members might not like these terms and they might not think they should be in law already, but they are. It therefore seems strange that we then get caught up in a debate on things that this House has already decided upon.

Sir William Cash (Stone) (Con): The hon. Gentleman has not yet referred to clause 7. I would be most interested to know whether he is going to explain how this review would operate. It applies in different places, with different terms, and it proposes amendments. At the moment, it looks completely unworkable and will put people in a position where they could be criminalised, guilty of an offence, but at the end of the day the amendments could be then made—what on earth do the courts make of all that?

Lloyd Russell-Moyle: I will come on to every clause as we go through this, so the hon. Gentleman does not have to worry about that.

This is a contentious area, and we have heard in the debates in the other place about how people are genuinely and understandably worried, so I have sought clarifications on several areas. I believe that the balances are correct, but I of course acknowledge that there is a lot of fear in this area and that sometimes, no matter what reassurance one can give in law, people remain fearful until they realise that the practice actually protects. I hope that Members will look at the wording and application of these clarifications carefully, as they cover all the examples that I have been sent. I still have not found one that is not clear in this Bill.

On the expression of religious belief, I might not like the fact that a priest or another religious figure can stand up on their religious day and say there should not be LGBT people or that they should convert. In my view, that is not a pleasant thing to say, but it is also not conversion practice. We have ensured that as long as it is not targeted to a specific individual and as a course of conduct—a repeated activity towards an individual—it will never be an offence. As Lord Herbert said in the other place:

“We should never legislate lightly in the religious sphere, but Parliament has done so before to prevent harm.”—[*Official Report, House of Lords*, 9 February 2024; Vol. 835, c. 1896.]

We should do so again. This clause allows full compliance with human rights law and does not restrict the general expression of religious belief.

On freedom of expression, we have a similar clause: the expression of acceptance or disapproval may be distasteful to an individual, but it is not conversion practice. Even repeated expressions to an individual, unless they form part of a predetermined purpose that is planned as a course of conduct, are not captured in this Bill.

We have heard from practitioners who worry that they are currently working in the “wild west”, particularly in respect of counselling and therapy. There are few guidelines about how they can conduct their practice in this area and people on all sides shout at them, saying that one thing or another is conversion therapy. This Bill will, for the first time, give health practitioners the

protection they need. Health practitioners are regulated or overseen by the Professional Standards Authority, which is following their professional judgments. The PSA was established by Parliament and regulates the statutory regulators and the non-statutory registers. There are 12 non-statutory accredited registers for counsellors or psychotherapists in the PSA, with the two largest being those of the UK Council for Psychotherapy and the British Association for Counselling and Psychotherapy, but the list includes smaller specialist organisations such as the Association of Christians in Counselling and Linked Professions or the UK Association for Humanistic Psychology Practitioners. Health practitioners are free to choose the relevant body to join. Each accredited register is entitled to develop its own approach to sexual orientation and transgender identity. There is already a diversity of views within those bodies, but none has objected to the Bill going to Committee.

Miriam Cates: The hon. Member is certainly trying very hard to provide a carve-out—an exception—to allow health practitioners to explore professionally with their clients their sexual and transgender identities. However, the carve-out means that the health practitioner must comply with regulatory and professional standards. Is he aware that most of the bodies he lists, and that are listed in the Bill, including the NHS, have signed up to a memorandum of understanding that basically insists that therapists pursue a gender-affirmatory approach? A therapist that did not pursue a gender-affirmatory approach and deliberately set out to help somebody not, as he terms it, become transgender would be in contravention of clause 1(2)(c) and therefore caught under the Bill.

Lloyd Russell-Moyle: The hon. Member says exactly the right word: “most”, but not all. Therapists who take a different approach will join a different organisation and get the same protection, because they will be following that organisation’s regulatory approach. In fact, the UK Council for Psychotherapy recently released a statement saying that exploratory therapy is an acceptable form of practice within the requirement of not having a “predetermined purpose”. The Bill does not support or prevent different forms of care, such as gender affirming or exploratory care. That is for the regulatory bodies to determine. What the Bill does is stop a “predetermined purpose” of offering change.

Some people have asked me to remove the “predetermined” requirement for the health sector. They claim that it is circular and already the basis of the Bill, and that we do not need it. But without it, the chilling effect that many health practitioners feel in this area—hence they are leaving it—would continue. The Bill will allow practitioners to explore all forms of care, while having a framework to respond to someone who says, “You must say that I am this at the end of my therapy.” Practitioners can now say, “I cannot do that under law. I have to explore. I have to work with you and support you.” That is what therapists should do, that is what they want to do, but at the moment, that is what they are struggling to do.

This is a developing field and we need a framework that allows new evidence to be heard. Some have claimed that we should wait for the Cass report or that we should rule out some sorts of care. That would be dangerous. The Cass report will not be the end of the

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discussion of children and transgender. One sort of care might be useful for one group of people but not for another. It is up to the regulated bodies to produce guidelines. Such evidence should be treated by them, not deliberated here in the House.

Elliot Colburn (Carshalton and Wallington) (Con): The hon. Member is giving a powerful speech. On the Cass review, does he want to highlight the fact that Dr Hilary Cass has said that absolutely nothing in her work should stop a conversion practices Bill going through this place?

Lloyd Russell-Moyle: Exactly. I very much welcome that statement. In fact, the Bill produces a framework that Dr Cass's review can inform as things change and move forward.

People who are not health practitioners but assist a person undergoing a regulated course of treatment, such as a receptionists or drivers, are protected under the Bill. If someone is questioning, exploring or developing coping skills—a role often taken by teachers or youth workers, which is my previous profession—they will receive clarity on the range of support they can offer.

One of the most controversial areas in the Government's Bill was how it dealt with parents. It is my view that parents have a darn hard life already raising their children and we should not create new burdens for them. The Bill says that if someone is exercising parental responsibility and considers the welfare of their child as paramount, nothing they do will be an offence under the Bill. We refer to the Children Act 1989 and use the language in well-established bodies of law. We should not be messing with how children are treated in this way.

Danny Kruger: I appreciate how much the hon. Gentleman is giving way; it allows us to have a proper debate. I recognise how he is trying to protect parents. The definition he just read out states that as long as the parent is acting in the best interests of the child, they are not guilty of conversion practices. Nevertheless, can he not see that if the police or a prosecutor were to determine that the conversations that the parent was having in essence amounted to conversion practice in the form of trying to change their child's gender identity or sexuality, it would be very possible to suggest that they are not acting in the best interests of the child and therefore to accuse them of conversion practices? I recognise that the hon. Gentleman is trying to do the right thing here and that he has no intention of intervening in family life. Nevertheless, the law that he is proposing would very easily lead to exactly the prosecutions that he is trying to avoid.

Lloyd Russell-Moyle: The hon. Gentleman is right that the wording does not give parents a blank cheque for abuse, because the law already does not allow that. The law already sets the bar for courts' determination on the welfare of a child. The courts already have a system to determine if there is a dispute between parents. The courts, or local authorities, already have a requirement to intervene where there is serious risk to a child. That is why I have used that body of law. Again, I do not think that it is our place to meddle with that body of well-established practice law. If he feels that there are words

that would make that clearer, that is a case for sending the Bill to Committee and tabling amendments, and I will genuinely ensure that they get a hearing.

Alicia Kearns: The Bill reflects the limits in existing statute about where parents' behaviour can go from supporting their child, through challenging conversations, to abuse. I am slightly concerned that there is a risk that some who oppose the Bill are suggesting that, if a parent's challenging of their child's LGBT inherent nature—who they are—becomes abuse, that is somehow acceptable: that being LGBT is a perversion and therefore that someone can be abusive to their child if they are LGBT, something they have not chosen but is inherent to who they are. Does the hon. Gentleman agree?

Lloyd Russell-Moyle: I quite agree. I have spoken to lots of people who have undergone conversion practices, often pushed by their parents. Almost none of them has said to me that they want their parents prosecuted; almost all have said that they want the practice to stop. That is the difference. That is what the Bill will do.

I acknowledge that there are many areas in which we may need clarity when the Bill is in operation. The Bill would require the Secretary of State to produce full guidance, and it would require devolved bodies to do so if the Bill is applied in their areas. While there is no ability to change the core offence in the Bill, clarificatory amendments are allowed under the affirmative procedure, which requires a vote in both Houses. It can never look back, but it can change things going forward when it needs to. The Bill would create an offence of sending someone abroad, using the same framework as that for female genital mutilation, an established piece of law that is already on the statute book.

Other Bills have tried to lock people up for these practices. To me, that seems totally foolish. Broadly, I do not believe in sending people to prison if we can find other ways to stop the practice. Therefore, I propose a fine not exceeding level 5 for conviction of an either-way offence in the magistrates court or the Crown Court, depending on the defendant or the prosecutor. Some ask: "Why not a civil fine rather than a criminal fine?" It is quite simple. The balance of probabilities is the test in civil law, and beyond reasonable doubt the test in criminal law. Do people want a lower threshold or a higher threshold? I have chosen the higher threshold to ensure that we get only the egregious cases.

We have seen the scandal of the Post Office, and many people have expressed a fear of activist groups on either side—using money from America or big donors—bringing private prosecutions and creating a chilling effect. At the suggestion of the Gay Men's Network, but supported by all the people I have spoken to, I have prevented that from happening by allowing prosecutions only with the approval of the Director of Public Prosecutions in England, Wales and Northern Ireland. If the Bill is enacted by the Scottish Government, those protections already exist in Scotland.

Finally, on penalties, we have sought to ensure that those with responsibility as charity trustees who are convicted under the Bill will be debarred from holding office. Being a trustee is a position of trust, and these practices often happen in those settings. The Charity Commission could, on application, remove that debarring if it wished to do so.

On the review clause, which the hon. Member for Stone (Sir William Cash) mentioned, almost everyone I spoke to was clear that the Bill is a start, but that they want to go further—some in one direction, by giving the Bill greater scope, and others in the direction of greater clarification. I have deliberately written the Bill to be narrow in scope. It will not have the ability to overreach. Many people feel that it will not capture all practices, but I understand that we must start somewhere and then move forward. That is why I included in the Bill, using wording from the Fixed-term Parliaments Act 2011—a process that we have already used—a four-year review clause, requiring the Secretary of State to set up a committee that has a majority of Members of this House but also other experts, to recommend amendments to the Bill. Of course, that committee would not be binding on this House; we would still have a vote.

Having met with numerous people, I believe I have created a balanced and fair Bill. Is it perfect? No. Is it a good start to the process? Yes. Should we take it to Committee and continue our work? Yes. For too long, this place has found reasons to take no action; we have allowed the perfect to be the enemy of the good. The Bill should go to Committee, and I promise to appoint a diverse range of voices to that Committee. We should continue the dialogue and find practical solutions via amendments and tweaks, but not the grandstanding that we have had up to this point, of which I am as guilty as anyone. We should go to Committee and suggest amendments and greater clarifications.

To frustrate this Bill today when we have pledged for so many years to pass this legislation would be an indictment of this place. To frustrate this Bill today would be to break the pledges of the last five Prime Ministers, and the promises made at the last election and before that. Most importantly, to frustrate this Bill today would be to let down the survivors and future victims, and it is to them that I give the very last word. In the last year—not in the last decade, but in the last 12 months—Childline has had over 50 testimonies from young people. I will read one, from a girl aged 18:

“When I was younger, I told my parents I thought I was bi and they sent me to a counsellor who tried to convince me I was straight, and that my desire to be ‘different’ was purely for attention. Even though that was years ago, the effects of the counselling are still ongoing. It’s left me with a lot of guilt and confusion around who I am and how I’m supposed to act around other people.”

This Bill would stop that. It is for those people that we must act today. This is our first chance to do so; let us not let them down.

10.27 am

Alicia Kearns (Rutland and Melton) (Con): I am often asked why I fight for a ban on conversion therapy. People say, “Surely there must be some personal connection. Surely you must have some personal history,” but I do not. In fact, there is no one in my family who is LGBT; we may be the only family in the UK without someone who is LGBT. The reason I do it is because fundamentally, as a Conservative, I have a duty to defend individual freedoms. I believe that the state should stay out of people’s lives, but it should protect the most vulnerable—defend those who others seek to harm, and recognise that the first and foremost duty of any Government is to protect their people.

This is not some woke frontier for politicians to weaponise for clickbait, and I am shamed by the debate that is increasingly taking place on conversion therapy. I remember the first debate I secured in this place on conversion therapy. It was moderate; we sat and debated the intricacies of legislation that was not yet there. Unfortunately, that has changed.

People in positions of trust are abusing those who they tell they are sinful, broken and need correcting, which causes lifelong hate. There are survivors in this place—in Parliament. The reason I fight so hard is that so many LGBT colleagues do not feel that they can come here and be labelled as fighting for themselves. They should be free to do that, but sometimes they cannot, and—do you know what?—allyship matters. We have a duty in this place to not impose our own personal views on things, but recognise that our rights—potentially to religious freedoms—can be protected while we also protect those who live a life different from ours.

Neale Hanvey: The hon. Lady has made a really important point about LGB people coming to this place and feeling safe to argue their position on this important matter. I have experienced the most horrendous bullying in this place because I take a contrary view, or a more guarded view, than some in the LGB community. In fact, people in the LGB community are often referred to as “bigots”, “transphobes” and other slurs just because we have concerns about legislation such as this and want to make sure that young LGB people are protected—and trans people. Does the hon. Lady agree that that rule must apply to all sides of any debate, not just to the side that she favours?

Alicia Kearns: The hon. Gentleman is entirely right, but there was one letter missing in his LGB: the letter T. We do not divide the LGBT community in this place. Members can say that they have concerns about what we are doing, but by removing the T, the hon. Gentleman is suggesting that transgender people do not exist. He is suggesting that they are less than other LGB people, and I will not stand for that, because it was trans people who stood with gay people at Stonewall; it was trans people who fought alongside them for LGB rights. I will happily discuss the intricacies of legislation with the hon. Gentleman, but when he chooses to eradicate, that is wrong.

Miriam Cates: Will my hon. Friend give way?

Alicia Kearns: No, I will not give way on this point, because I will not hear more erasure of a transgender community. We can discuss the intricacies, but that I will not stand for.

I am not going to go into the arguments about the Bill, because the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) did an exceptional job. He went out and met every single person, organisation and lobby group and listened to all their views, even if he disagreed with them—and that includes the LGB Alliance, who have also removed the T—and I have supported him. He has done a phenomenal job.

The hon. Gentleman has set out what the Bill does. It protects religious leaders, who can still guide their flocks. Health practitioners can still support and challenge people, and parents are protected. That is why all major

[Alicia Kearns]

faith groups back the Bill, why the royal colleges back it, and why exploratory therapy is protected. This is a compromise Bill, and I say to Members who wish to oppose it, “Search within yourself, because you have a duty to protect children and a duty to allow professionals to do their job, and you need to recognise that some people’s objections are not to the nuances in the Bill.” The only people who fear a ban on conversion therapy are quacks and charlatans who profit from bigotry and misery. Conversion therapy causes lifelong harm. This is a moderate Bill and a compromise Bill, and it does not go as far as the Government’s proposals. [Interruption.] The hon. Member may chunter and laugh, but I am appalled—[Interruption.] I will happily give way to him if he asks, rather than chuntering.

Danny Kruger: I apologise for chuntering. I was simply amused by the suggestion that this is a moderate Bill. This is not a moderate speech that the hon. Lady is making. The hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) made a very good speech, recognising that there are legitimate views on the other side of the debate. The hon. Lady talks about erasure, but she dismissed the comments of the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey), suggesting that his view was completely invalid. I respect her arguments and her wish to pursue this Bill, or this kind of legislation, but can we please have a debate with more civility?

Alicia Kearns: I would suggest that the ultimate failure of civility is to erase a member of the LGBT community—to erase an entire group. I am happy to discuss the nuanced points, but I will not do so if Members want to suggest that transgender people do not exist, or that we do not really have a definition in law of what transgender people are. They exist in law and they exist in this place, and they exist in the hon. Member’s constituency as well.

The Government should back this compromise Bill, because love is not a pathology, and transgender people are not a pathology: they do not need treatment. I say, very simply, to those people, “You are seen in this place and you are heard in this place, and very many of us back you and will protect you.”

10.33 am

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) for the way in which he introduced the Bill. He is not known on the Opposition Benches as the most moderate of characters, but what he set out today was a moderate Bill—a Bill that seeks to find a consensus and a compromise between those campaigning for full-fat equality and those with gender-critical views. He has done so with a focus on not taking one side of the debate or the other, but putting the victims of this abhorrent and cruel practice first. That is what each of us, on all sides, should be thinking about when considering the Bill. What happens to those people, out of sight and often out of mind, who are preyed on by others who seek to attack them for who they love and who they are?

Conversion therapy is not always in the spotlight. It is not someone being beaten up in the street. It is not someone having paint flung at them. It is not someone

being kicked out of their family home for who they are. It is a practice that is established and accepted in, frequently, professional forums, and in places we go to where we open ourselves up and where we seek the support of institutions and professionals. That is why the Bill matters. It seeks to expose those places where this abhorrent, cruel, 21st-century torture is perpetrated on LGBT people.

I am proud to be Plymouth’s first out MP, which I think gives me a special responsibility to be vocal about the effect of legislation, and of the lack of legislation, on communities and people like me. If we in this House do not have an eye on that effect, we turn a blind eye and legitimise the torture and abuse that happens to people. We must not do that.

I was pleased when the Government said in their last manifesto that they will ban conversion therapy, and I was pleased that my party and every main party did so, because it sought to create a consensus that hate and torture are not welcome in the UK regardless of our politics. I am proud to be a Labour MP, and I am proud to be part of a campaigning party and a party of equality, but I want every party in this House to be a party of equality when it comes to rooting out abuse, which is what this Bill offers.

We have just heard the hon. Member for Rutland and Melton (Alicia Kearns) make a proud Conservative case for stamping out something, and I am proud to make a Labour case for stamping out hate and inequality. I am proud to say that our duty to society means that we must consider the most vulnerable, because that does not attack all of us but lifts people to a level where everyone is protected. That matters and, if a Conservative case can sit happily alongside a Labour case, we should pass a consensus Bill.

The LGBT community has been waiting too long for this legislation, which has been promised too many times, but let us be clear about what would happen if the Bill were not passed today. We are possibly only weeks away from a general election in which we know there could be more division than we have seen in a long time. It worries me deeply that we have allowed attacks on trans people to be a legitimate part of how we win votes. It is never acceptable to attack a minority, and it is never acceptable to seek to win votes on the back of the most vulnerable, persecuted and attacked minority.

With this Bill, both sides of the House have an opportunity to turn our back on that and to say that equality matters from any political perspective, because people matter. My word, people come in all different shapes and sizes, which is a good thing. It is in celebrating our diversity that we gain strength, not by pretending that everyone is the same. That would be a dull, horrible future. It would be a version of Britain that erases people, that erases the bit that makes this country great—that we can all be different, that we can all be proud and, importantly, that we should all be protected under law.

It is important that the Bill is drawn as broadly as possible, covering all aspects of the LGBT+ community. I spoke in a previous Westminster Hall debate on this subject, as did a number of Members present, and I described how removing the T, so that the Bill protects only LGB people, is a trap door. As the hon. Member for Rutland and Melton said, if we allow that trap door, people who enjoy protection from torture because they

are lesbian, gay or bisexual will simply be told that they are trans, and that loophole will be used to attack people whether or not they have a transgender identity. It is a trap door, which is why the Bill must be as broad as possible.

I have spoken to equality activists and members of the LGBT community in Plymouth about the Bill, and they have asked me to pose two questions to my hon. Friend the Member for Brighton, Kemptown. First, does the Bill include asexual people and, secondly, does it include non-binary people? These are fair questions, and they are important because, if we are considering the full extent of the LGBT+ community, we must consider those people who might not necessarily describe themselves as transgender, and might not especially describe themselves as LGB in some way. Some clarity in the explanatory notes, or on the face of the Bill, would be useful to affirm to those communities that they are captured by the measures. I understand from what my hon. Friend has said that they will be, but I would be grateful if he mentioned that when he winds up.

This House needs to consider how we come together, rather than how we divide. I support my hon. Friend's plea for the Bill to go to Committee, where those who have a legitimate challenge—from their point of view—can table amendments. What I would like to hear in the debate is this: in which clause is there a problem? In which clauses might alternative wording address that problem?

Over the past few months, I have seen my crazy, ridiculous hon. Friend, who normally runs headlong into walls to knock them down, take his time to be balanced, calm and considerate. I do not know whether it is a temporary affliction or part of a new chapter in his behaviour, but I have seen him make every effort to speak to people he agrees with and disagrees with, to take on board their views. Not only is that something that we should, for all our sakes, encourage in his behaviour, but it makes the Bill better, because it makes it supportive.

The gravity of this issue cannot be overstated. Recent polling by LGBT anti-abuse charity Galop found that one in five LGBT people and more than a third of trans people in the UK have been subject to attempted conversion. Another charity, Mind, which focuses on mental health issues, found that those who have undergone such practices are twice as likely to have suicidal thoughts and 75 times more likely to plan to attempt suicide. There are real-world consequences. That has led Mind and 20 other mental health charities, NHS bodies and professional counselling and psychotherapy organisations to define conversion practice as “unethical and harmful” and to call for them to be banned. I agree with them and with the Bill.

However, there will be people watching the debate who have perhaps not searched out the text of the Bill. They will be looking at the tone of the debate to see whether this House reflects their views and, for the LGBT+ community, whether it reflects their right to exist. That matters. The words we choose matter. To those LGBT people who are watching this, I echo the words of the hon. Member for Rutland and Melton: they are seen, they are welcome and they are loved. I want everyone to be authentically true to who they are. There should be no impediments in law, no loopholes or trapdoors, that allow someone who is true to who they are, authentically themselves, to be subject to abuse

or torture in the way that, as we have established on a cross-party basis, happens in relation to conversion therapy.

Miriam Cates: I completely agree with the hon. Member about the tone of this important debate, but, as I am sure he is aware, abuse and torture are absolutely illegal in this country, and we all support that. There are multiple pieces of legislation that deal with abuse, torture and harmful practices, and nobody in this place would reject that. The problem for those of us who question the Bill is that it contains no threshold for torture, abuse or even harm, so it will capture practices that are not harmful and for which we should not be legislating.

Luke Pollard: I thank the hon. Lady for her intervention. Given the risk of running into the same wall that my hon. Friend the Member for Brighton, Kemptown ran into, I will portray moderation on my side. I think that that is precisely why she should give the Bill a Second Reading and table any amendments, as she sees fit, to define the matter of concern and make her case in Committee. I believe that there are currently loopholes in the law that allow that abhorrent abuse to go on.

Apsana Begum (Poplar and Limehouse) (Lab): A number of practices are illegal in this country, such as forced marriage, which is something that the LGBTQ community experience, including those who may also go through conversion therapy. That is wrong. Does my hon. Friend agree that the time to tackle that is now? The LGBTQ community have been waiting at least five years since the Government first promised to ban that awful practice.

Luke Pollard: I agree with my hon. Friend. People have been waiting too long; let us ensure they do not wait any longer. Let us also send a message to Members of all parties, until the general election concludes, that attacking trans people and LGBT people because of who they are is unacceptable. That should be called out on a cross-party basis. It has no part in our politics.

Legitimate debate about improving this Bill should define us at our very best. The debate so far has been a good one, because it has allowed people to voice their different views, and we should continue that in Committee, allowing people to table amendments where required to improve the Bill and ensure it does exactly what it says on the tin and stops these abhorrent, cruel practices from ever happening again.

10.45 am

Chris Green (Bolton West) (Con): The obligation in this debate is to set out the current threats that are not already covered by existing legislation or that we would want to legislate against. The Bill also needs to do so in a clear, precise way that is straightforward to interpret and enforce, without causing great uncertainty and triggering a chilling effect on free speech and healthy family life.

Over many years, the issue of sex and identity has developed and evolved substantially. When I was younger, I never saw these topics on the news. It was rare and unusual for them ever to appear. In terms of being aware of lesbians and gays and the challenges they face in life, for any Member of Parliament—for any decent person—there is huge concern and sympathy for those

[Chris Green]

people. There was a debate among that community about bisexuals joining it. That was not a straightforward process. There was a debate and a dispute over that.

One thing that my hon. Friend the Member for Rutland and Melton (Alicia Kearns) touched upon was acceptance of other people and inclusiveness, and not imposing upon people. That was one key feature, I thought, in the debate about conversion practices. Many people, for example represented by the LGB Alliance, are concerned that they feel imposed upon. Society is adapting and learning to understand and appreciate the challenges that changes in society bring.

My hon. Friend and the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) highlighted a point about LGB and LGBT identity. The hon. Gentleman then added the plus symbol, the A and the I. That highlights the complexity of the issue and the clarity needed when some groups are being included and others excluded. The language is diverse, depending on who we are speaking to and when we are speaking. A few years ago, this conversation would have been different from how it is now.

We have to reflect on the number of genders that are commonly used or reasonably frequently used, and this is by no means an exhaustive list: bi-gendered, cross-dresser, drag king, drag queen, femme queen, female-to-male or FTM, gender bender, genderqueer, male-to-female or MTF, non-op, hijra, pangender, transsexual, trans person, woman, man, butch, two-spirit, trans, agender, third sex, gender fluid, non-binary transgender, androgyne, gender gifted, gender blender, femme, person of transgender experience and androgynous. If people go on Wikipedia, there will see far, far more. I have missed out huge numbers, but it serves the purpose of highlighting the complexity and involvement of the issue. When we are discussing this topic, it should be respectful, but also we should try to keep society with us.

Kate Osborne: The hon. Gentleman talks about being respectful. Does he not believe that people should be able to identify in whatever way they choose?

Chris Green: I do agree with people identifying in any way they choose, but society is still getting to grips with this issue. One concern is not just individuals being able to make choices about their identity for themselves, but how other people relate to them. That is a huge concern in relation to changing the law and imposing upon society a set of views, when those views and values are evolving over time.

I will highlight one aspect. As things change, that is reflected in society, for example in architecture. Parents came to my surgery to raise concerns about mixed-sex facilities at a local swimming pool. They raised those concerns because they were interested in protecting their daughters. Regardless of whether the hon. Member for Jarrow (Kate Osborne) and other colleagues agree or disagree about the issue, it is a fact that parents are coming to me to say that they are concerned about the architecture of the new health centre in Horwich. That architecture cements in place a particular form of behaviour—everyone together rather than male and female changing rooms—and that lends itself to a lot of misunderstanding, concern and fear in society. That

was expressed to me by mothers of daughters and I, as a Member of Parliament, ought to be respectful and concerned about what my constituents are raising with me.

On transition, as I pointed out before, societal understanding has been gradual. Such topics were very rarely in the news and now they frequently are. Most days on the “Today” programme we hear about sex and identity. As it is on our media so much, we have to reflect on legislation and application, but it is only relatively recently, in 2005, that the transgender or transsexual side of the issue came into the mainstream and the forefront of people’s understanding. I bought at the time the album “I am a Bird Now” by Antony and the Johnsons, and it was an interesting listen; it is good music with interesting and challenging lyrics. It highlights some of the challenges that people go through, and which many people in society would not know about. Many people would not know about the transition process and how challenging it is. Before the debate developed in the way it has, most people when hearing about trans people would try to be understanding, supportive and sympathetic and would want to encourage those people on the path they had chosen to go down, but that is not universal; many people are hostile and toxic about that. But 2005 was, at least for me, the transition point when trans identity became far more public an issue.

We have to understand how difficult it is for society to adjust, especially given certain aspects of trans; for example, significant surgery is done to people as part of that process, and quite significant pharmaceuticals are used in the process. These are not easy things to adjust to for mums, dads, sons, daughters, brothers, sisters, the wider family and the wider community, such as, perhaps, churches, mosques or other organisations, when seeing and hearing that someone is concerned and thinking about transitioning. How protected are those people from the threats of conversion practices or illegalisation of what they would consider a normal if challenging conversation? If someone wants to go down a route involving significant surgery and life-changing drugs, that might be irreversible, especially for a child reaching puberty; drugs that stop the process of puberty can have substantial impacts and there should be some understanding of the lifelong impacts of taking those drugs, especially if someone wants to detransition. It is very challenging for those people to make that decision in the first place. It is challenging for their families watching them try to understand the issues, which are far better understood these days than they were previously, to say, “Is that the right choice? Is that the route you want to go down?” We have to be 100% certain that normal family conversations will not be taken through the courts.

Miriam Cates: My hon. Friend is making an excellent speech that makes clear how nuanced the debate is and how complicated an area it is in which to legislate. Does he share my concern that the Bill could criminalise somebody who perhaps is not a parent, but maybe an older friend and mentor to a young person, who deliberately sets out to try to dissuade them over a period of time from going down a transition route, taking cross-sex hormones and pursuing surgery? Does he share my concern that that person could be caught under the Bill in a practice that perhaps he and I would think is not abusive at all, but seeks to rescue that child from permanent harm?

Chris Green: I agree. The jeopardy for that individual is substantial. That issue has not been covered, and they are not protected under the legislation as it stands. There is a significant aspect to this matter about free will and decision making. If a young person is looking to go down a certain route—again, the transformation to someone's life if they transition is profound and, in many ways, irreversible—perhaps the individual wants to be certain that the young person is making the right decision. How can someone be certain they are making the right decision? One way is by asking the young person challenging questions, such as, “Are you doing the right thing for the right reason? Can you live with the consequences of it? Have you really thought it through?” I thought this Chamber represented that idea of debate and challenge, and of questioning, “Are you really intent on doing this? Do you really want to go down this track? Before you take any drugs, go to a clinic to get that support or have any surgery, have you actively considered all the issues and implications of what you are doing?”

Elliot Colburn: My hon. Friend is absolutely right that we have to give space for that free discussion. Current NHS data suggests that people referred to gender identity clinics will take about 10 years to be seen. Is 10 years enough time for someone to be sure they have made the right decision?

Chris Green: One concern is the requirement almost for affirmation. In the context of the structures in society and the expectations on people if the legislation passes, and the framing in which parents, families and others are allowed to discuss the matter with their own children, the route that people go down starts a long time before they get to the stage that my hon. Friend mentions. We need to understand this and have an open discussion right at the beginning, rather than years down the line.

Danny Kruger: My hon. Friend raised the good point about the explosion in demand for support in this area over recent years, which is overwhelming the services available through the NHS. That itself should cause us great concern about what is going on in our society. There is a long waiting list for publicly available help but not for private support, so am I not right that somebody could seek private therapy quickly?

Chris Green: My hon. Friend is entirely right. Just because the state services are often slower than private services, we should not be satisfied that the 10-year delay is sufficient time for people to reconsider.

There is a question of equality on this matter and, again, we have to understand society as it has changed. A key thing in society, which was certainly not a concern when I was growing up, is the internet, emails and social media. Social media is powerful, and children and young people spend a great deal of time on social media. In other debates in this Chamber, people would be raising concerns about bulimia, suicide and other things that children are influenced by on social media. Those are the challenging issues raised on social media. Parents have to understand that the influences on their children can often be supportive and encouraging, but not all the influences on social media are. The Bill almost introduces an inequality: certain people can encourage and support children, young adults and others

to go down a certain track, whether they meet in person or online, but the people with whom they have personal contact and will spend the rest of their lives—the family unit, their friends and the wider community—almost have their ability to communicate with their loved one curtailed.

Sir William Cash: Does my hon. Friend also accept that it would be impossible for a criminal trial determining whether an offence has been committed to go through all these variations to work out the nature of the evidence that should be received? It is incredibly invasive; it is based on privacy and people being able to talk to others in a mentoring context or a manner that would enable the person to understand better what is going on. For a trial to determine whether an offence had been committed would be mind-bogglingly difficult and very invasive—in practice, it would be impossible.

Chris Green: I agree. If the courts, prosecutors and others can go into the family home to find evidence for a successful prosecution, that would cause substantial disruption to family life. Remember that this has to be a successful prosecution for something that is not covered by existing legislation. There are already a huge number of protections in law for people right across society. As I said, this Bill ought to be able to point out compellingly and clearly areas of life that we want to be protected but are not already covered by existing legislation.

The punishment allowed under the Bill is a level 5 fine. I am not terribly familiar with the fine categories, but the House of Commons Library has provided a bit of information. It is an unlimited fine, which would be a huge cost to anyone suffering it. It is important that families are aware of the category they have been put into. Level 5 crimes include harassment, stalking, imprisonment, controlling or coercive behaviour, and exposure—commonly known as flashing. This Bill seeks to put families who believe they are having a normal conversation about their children growing up and exploring ideas about themselves and their identity, if they are not clear about what their identity is, into that category. Families having what they consider to be a normal, reasonable and balanced conversation with their children are being put in the same category as flashers. That is what the level 5 fine does, and that places a serious burden on families.

I want to reflect on the fact that Justin Webb fell foul of current legislation for remarks that came out earlier today, or perhaps yesterday, so it would be challenging for a family member, a friend, a religious leader or anyone else in wider society. If someone who deals with these issues day in, day out, as a presenter on one of the most prestigious news programmes—BBC Radio 4's “Today” programme—can fall foul of current legislation, we should think about what we are doing when we seek to tighten up legislation. I appreciate the arguments that the hon. Member for Brighton, Kemptown made—he gave a powerful, dignified speech—but if Justin Webb can fall foul of the current legislation, how vulnerable will parents and others be who do not follow the nuances and details of these issues day in, day out? There will be a lot of concern. It will be damaging in many ways for families to feel that they will be scrutinised, under the microscope and vulnerable when doing what they can to care for their children. On that note, I oppose the Bill, but I look forward to the rest of this positive debate.

11.5 am

Rosie Duffield (Canterbury) (Lab): Undoubtedly, this Bill is being presented with many good intentions, by a Member who feels passionately about the rights of LGBT people, and all people, to live as they choose in peace and without fear or prejudice. The vast majority of Members of this House and the other place share those aims and intentions. Most will have attended Pride and taken part in LGBT History Month events and debates. Most see the equalities legislation passed here, such as the Marriage (Same Sex Couples) Act 2013, as a positive step towards a more equal and inclusive society.

The idea of anyone who is gay or bisexual, of any age, and who is growing into who they are and questioning their sexuality, being coerced into thinking that they need to change is deeply disturbing and sinister. But that is already against the law. It is also, thankfully, incredibly rare, to the point of being all but wiped out. It is certainly completely socially unacceptable. I believe that this proposed legislation is not necessary to fix a problem; rather, it creates several serious new ones. Anyone who followed the recent debates in the other place will have heard strong evidence from peers across the Benches that the Bill is a solution in search of a problem.

First, in order to legislate we would need clear legal definitions of terms that are contentious and vague. For example, how does one define the concept of converting someone to change their “true identity”? A qualified therapist exploring a client’s feelings of gender dysphoria will cause them to question those feelings in order to understand them—that is therapy. In everyday conversations among friends or families, who steps in, and at what point, to decide that those conversations amount to attempted conversion?

Feminist groups, Labour Women’s Declaration, the Gay Men’s Network and the LGB Alliance are fearful that legislation like this is dangerous, and it sends the message to those who need to confide in professionals or even those closest to them that it is not safe to do so, and that they will be forced to be gay when they might want just to be gender questioning, or vice versa. The message is that the situation is so bad that we need a new criminal law to deal with it. Serious legislators should never create flawed and unnecessary legislation merely to send a message; that is law created by social media, rather than laws that we expect of a Government—or a Government in waiting—to be upheld by our courts. This Bill is unprosecutable and, without evidence of need, it brings criminal law into an area that simply needs to be regulated by policies and guidance.

The other aspect, as I mentioned earlier, is the problem that, currently, nothing can be properly described. Given broadcasters are labelling brutal men who murder as women, and are reprimanded if they correctly name a person by their biological sex, who is appointed the arbiter of what constitutes conversion? Feminists believe that lesbians should be free to date only women, as they choose. However, in today’s toxic climate, they are pressurised into dating so-called lesbians with a penis—in other words, men. In his opening speech, the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) described his Bill as stopping people from being at risk of losing their identity. However well-intentioned and

worthy that goal might be, how is that to be defined and by who? Laws that cannot provide clear definitions are just useless pieces of paper.

Attempting to convert or coerce anyone away from being who they choose to be, or to make them straight if they are gay, is cruel and, thankfully, against the law. This Bill does nothing to change that. It merely suggests that anyone trying to stop their daughter cutting off her healthy breasts as a teenager—before long-term, serious thought and a careful pause—is breaking the law. The Bill prevents a parent from suggesting that their 15-year-old son should start on a course of puberty blockers, which will render him infertile, as an adult instead, when he will be entirely without doubt and less confused.

Chris Green: What understanding is there at the moment about the reversibility of the drugs that are sometimes given to children, which could be life-changing?

Rosie Duffield: As I understand it—not being a medical expert—we do not know yet, because those drugs have not been in full use for long.

Are all the Members supporting this Bill really willing to decide what constitutes conversion therapy and what they deem to be acceptable talking support? Are they doing so because they believe this is serious legislation, or is this politics for social media likes? In saying that, I know well what awaits me on social media.

We have a clear divide in the Chamber today, between the beneficiaries of Stonewall badges and donations, and the groups of so-called gender critical feminists that I represent. But tribes on social media are not legislators. We are writing laws here, and getting it right is essential and serious. The dumbing down of such important debates for likes is not only vacuous but sets a dangerous precedent, and we need to be better than this when making the laws of this country.

11.11 am

Elliot Colburn (Carshalton and Wallington) (Con): I gently suggest to the hon. Member for Canterbury (Rosie Duffield) that if she genuinely thinks that those on her side of the debate are the only ones who get abuse on social media, she should look at the treatment of LGBT+ politicians in this country when we dare to speak out about these issues. She is certainly not alone. I do not agree for one minute that the abuse that she or anyone who holds her views gets is acceptable. I have often spoken in this place about the toxicity surrounding these discussions and debates, which I believe has only grown with the rise of social media. I absolutely agree with her on that point, but we have a duty not to feed into the toxicity. We are not supporting the Bill because we think that this is a social media contest—we know full well that we would not win—but the evidence is clear.

I want to pick up on the point, made in the previous speech, that there is no evidence that conversion therapy is happening, because we have ample evidence from the Government-commissioned data that it is happening. In 2018, 108,000 people responded to a survey, and 7% of them had undergone or been offered conversion therapy. Some 13% of trans respondents had undergone or been offered conversion therapy. Fifty-one per cent said that it was conducted by faith groups, and 19% said that it was carried out by healthcare or medical professionals.

Miriam Cates: In the survey to which my hon. Friend refers, what definition of “conversion therapy” was put to respondents?

Elliot Colburn: As my hon. Friend well knows, there was no definition offered at the time, but that is exactly what this Bill attempts to do: to bring forward a definition.

I want to pick up on a point that has been made a number of times. A number of colleagues have suggested that there is an epidemic of people being forced to be gay or being forced to be trans. This is a two-way Bill—it does it in both directions.

Neale Hanvey: Does the data that the hon. Gentleman refers to come from the self-referral survey administered at Pride marches? That is not really research but a survey. Does he think that a survey conducted in that way is sufficient to inform legislation?

Elliot Colburn: The survey was only the start. It has been backed up by research commissioned by the Government two years ago. It has also been backed up by a number of independent organisations, including the NSPCC, Mind and Galop, which have had calls about it. We have the data to show it is happening. The idea that people would phone a support service such as the NSPCC and pretend that they are being offered conversion therapy is, I am afraid, for the birds.

I agree with the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) about how we are perceived in this place. I thought back to when this House debated same-sex marriage in 2012. I listened to the debate, obviously not as a Member of Parliament, and I remember how powerless I felt then as a young gay man having my future and my rights discussed by a group of people. I had nothing to do but sit and watch and listen to some awful things. As the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) said, that is necessary in a free and democratic society. The Bill does not seek to curtail free expression via legitimate conversations, but we have evidence that harm is being done to people and we do not have the laws in place to prevent it.

Miriam Cates: I thank my hon. Friend for being so generous in taking another intervention. He talked about evidence and referred to the survey, which he admitted contained no definition of conversion therapy. We have heard how many different definitions of conversion therapy there could be, and how many different definitions we all hold, from the most extreme, awful abuse, which is already illegal, to talking therapies and persuasion. Does the definition of conversion therapy not matter intensely to that survey? How can it be evidence if there was no definition?

Elliot Colburn: We have to get the Bill to Committee so that we can thrash that out. My hon. Friend is absolutely right, but that is the point of passing legislation: we make definitions and we make laws. The whole point of giving the Bill its Second Reading today is to create a definition and pass it into law.

Danny Kruger: I am grateful to my hon. Friend for giving way; I hope he agrees that this is a very helpful conversation. We have been debating this issue for years, as everybody keeps saying. The reason there is no definition is because it is impossible to arrive at one. The Scottish

Parliament cannot arrive at one and we have failed to do so. It is not possible to find a definition that is between what is illegal already and what we all think should not be illegal. It does not exist. The idea that the Bill should go to Committee for us to continue this conversation is absurd. It cannot be done.

Elliot Colburn: I am sorry, but my hon. Friend seems to have forgotten the point: this is the first time we are debating a Bill. We have failed because we have taken five years to arrive at a position where we can actually debate legislation. That is the failure. We passed Brexit faster than we have discussed this!

Neale Hanvey: I thank the hon. Gentleman for giving way; he is being very generous. The fundamental problem is that we have not been able to define the problem. There is anecdotal data from a survey that suggests that some people have reported that they have been subjected to what they define as conversion therapy, but we do not know what it is. It is not defined. What exactly are we legislating about?

I would like to ask the hon. Gentleman another question. I listened very carefully to his view on other people talking about his sexuality. Does he think it is acceptable for a gay man to be told across this Chamber what he should do, how he should define himself and who he should associate himself with? Does he feel that that is homophobic?

Elliot Colburn: I do not think anybody should be told what they should do. That is the entire reason I am backing the Bill. I totally accept that there will be people who will never, ever believe that LGBT+ identities are real or valid. I do not agree with that, and I and other people can find that hurtful, but that is what we have to accept in a free and democratic society.

I have been part of these conversations now for many years and I have seen the incredible work that has gone in to work across the divide to try to bring people together. I saw myself, when I sat on the Women and Equalities Committee and we conducted an inquiry into this issue, how much agreement there was between different sides about what needs to be done, especially on improving the provision of healthcare and mental healthcare. They might have different ideas on outcomes. For example, some people might think we need to improve healthcare for younger people so they do not go down a route of being trans, while other people might think we need to do that because waiting lists are too long and we want to get people on a course of treatment faster.

Both those views are, of course, absolutely valid. As parliamentarians and as individuals, we have to accept views that we do not agree with. I totally accept, as I have said, that there will be people who never think that my right to exist as a gay man is valid or that trans identities are valid. That might be upsetting and difficult for people to accept, but that is what happens in a free and democratic society, and the Bill does not encroach on that.

I want to come back to the legal test of “predetermined outcome”, as that is where we must focus. That legal test provides the safeguards necessary to address both those sets of concerns, so that we can get to a place where if someone embarks on a course of action that

[Elliot Colburn]

has a predetermined outcome to change someone's identity, we have a legal mechanism to deal with that, but we also provide the freedoms for people to express views, to engage in legitimate conversation and, yes, to say things that other people might find distasteful and hurtful. We just have to accept that that is the case, but this is what good law is all about.

I hope that colleagues allow the Bill through to Committee. There have been many discussions of what constitutes conversion therapy and how we define these concepts. The hon. Member for Brighton, Kemptown was right to use existing legal concepts, but we must be allowed to get the Bill through to Committee so that we can have this discussion in greater detail, because so far all we have heard is anecdote; we have had debates, but we have never had discussion on an actual legislative proposal. That is the opportunity we have today and it would not be right to let the Bill fall at this hurdle. We need to get it through to Committee so that we can thrash this matter out in more detail.

11.20 am

Tonia Antoniazzi (Gower) (Lab): I would like to take this opportunity to thank my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) for the extent of his engagement with those with varying perspectives on the Bill. We have crossed swords on occasion, but it is important that the conversation and debate in this Chamber is led with the honesty and integrity that it deserves.

No one wants to see pressure or coercion used on people, whether they be gay, lesbian, bisexual, transgender or heterosexual—I know that all Members of this House can agree on that. Working on the law as we do, however, we also know that best intentions alone are not sufficient to avoid unintended consequences, which can arise from any piece of legislation—we always see that in this place. Whatever the issue at hand, we have a responsibility here; as elected Members of Parliament, it is our job—it is precisely why we were voted into this place—to interrogate proposals, scrutinise legislation and ask the difficult questions, the “what ifs”, to ensure that any legislation that passes works in practice for the benefit of the people in this country, rather than against them.

Before I became an MP, I worked in education for 20 years, as a teacher. The majority of my friends are still in teaching and they have many concerns; they feel at first hand the chilling effect on them of the debate we are having in this House, as well as of what has happened in Scotland and what is happening in Wales. That is why I feel a great and deep responsibility to stand up here today, to have this debate and to raise the issues that I have with the Bill as it stands. However, I thank my hon. Friend for opening the conversation, because engaging is the way forward.

Young people and children are at the heart of everything I do, and I base my approach to this discussion on wellbeing and safeguarding. The matter of therapy and treatment for children and young people experiencing gender distress is a highly complex area, which is undergoing a review in the UK. Far from referring to sexual preferences or a way of life, gender reassignment concerns serious, potentially life-altering medical and surgical interventions

that are often irreversible. In recent years, there has been a concerning increase in the number of children, particularly girls, becoming convinced that they were born into the wrong body. As someone who was a tomboy as a young girl, I know that, had I had some of these conversations, or had these social media influences on me, this would be something that I might have wished for.

Dr Hilary Cass's interim report exposed the extent of the failings of the gender identity development service at the Tavistock clinic, criticising the “predominantly... affirmative, non-exploratory approach” and highlighting a disturbing lack of support for young people with gender dysphoria. The report, and the subsequent decision to close the GIDS at the Tavistock clinic, is evidence that treatment should be provided as part of holistic mental health provision. Accompanied by the consequent NHS interim service specification, it recommends a “watchful waiting” approach, advising that clinicians remain open to question and explore a gender-distressed child's feelings and the range of available treatment options that may best address a patient's needs before affirming their self-diagnosis. That is to ensure that if a young person does pursue medical transition, they do so with informed consent and a realistic understanding of likely outcomes.

If it follows the evidence, the future direction of treatment for children experiencing gender dysphoria should be psychotherapeutic and exploratory, but I have concerns that the Bill as drafted risks further impacting standards of care by threatening medical professionals and clinicians who use an exploratory approach. My hon. Friend the Member for Brighton, Kemptown has made efforts to reflect those concerns in the Bill, yet despite the exception in clause 1(2)(c) for health practitioners, its focus on “predetermined purpose and intent” still risks criminalising health professionals who engage in exploratory conversations with their patients. Legitimate clinical practice will sometimes have a predetermined outcome where a confident and clear diagnosis is made. Should a clinician have published research indicating a preference for psychotherapeutic approaches that could alleviate a child's distressed alienation from their body so that they come to accept themselves as enough as they are, such research could be cited as evidence of predetermined intent of an outcome. The clinician would then be at risk of prosecution if he or she did anything other than affirm a child's diagnosis.

What is more, the Bill does not require proof that any harm was intended or caused by the clinician's conduct. It is highly irregular to criminalise motivations alone in the absence of demonstrably harmful behaviour. Professionals must be able to question and explore a gender-distressed child's self-diagnosis without fear of prosecution, or even accusations of such behaviour. In recent years, countless clinicians have spoken of the flight of professionals working with young people experiencing gender incongruence. The interim Cass report highlighted that professionals already feel under pressure to take an unquestioning affirmative approach that is diametrically opposed to standard practice in all other clinical encounters. Fear of prosecution would exert further pressure on professionals working in an already sensitive and culturally fraught area, and would risk accelerating their departure from the field. My concern is that the Bill could leave unquestioning affirmative treatment as the only option.

Miriam Cates: The hon. Lady is giving a superb speech. I completely agree that clinicians are already under pressure to use an affirmative approach. Is one of the problems not that many of the professional bodies, including the NHS, have signed up to that approach, and therefore, even with the safeguards provided in the Bill, those therapists would be committing an offence if they took a predetermined course—let us say, to prevent a patient from going down a transgender route?

Tonia Antoniazzi: I thank the hon. Member for her question. That is what we need to be able to discuss and look at in further detail, and to thrash out in Committee. We need to ensure that clinicians, particularly those in the NHS—we need them to stay in their field—do not face a chilling effect. The risk of that chilling effect should not be understated: it could make the holistic therapy that is recognised as critical by the Cass review harder to access. Our priority absolutely has to be the legitimate and workable protection of the provision of good, evidenced care for children and young people.

I believe that the Bill should go to Committee. We need sunlight on it to make sure that, if it passes, it has been subjected to detailed consideration of its wording and an understanding of what those words mean for people on the ground, working in our NHS, teaching the children in our schools and working in safeguarding, and for parents, who are a priority.

11.29 am

Ben Everitt (Milton Keynes North) (Con): It is a pleasure to follow the hon. Member for Gower (Tonia Antoniazzi). Reflecting on her words and in particular how she summed up her point, our Parliament, our democracy, our way of making law, works best when friends disagree well. Moving the Bill into Committee is absolutely the right thing to do. It is a step in the right direction in what is acknowledged right across the House as a complicated issue. I believe that we are doing it some justice today.

I congratulate the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) on promoting this much needed Bill. Members throughout the House appreciate all the work that he has put in. This issue is very complicated. He has gone to great lengths to build as many bridges as possible and to get the ball rolling on this serious matter.

The Bill sets out a clear objective: to tackle and prohibit practices that seek to change someone's sexual orientation or their gender identity. Taking this step will go a long way towards protecting trans people and indeed LGBT people. From correspondence I have received and through the surgeries I have had with members of the trans and LGBT community, I know just how important and impactful the issue is for my constituents. Throughout my time as an MP, I have been consistent in my opposition towards all forms of conversion practices and in my support for a trans-inclusive ban on conversion therapy, so I am pleased to speak in support of the Bill.

To be clear, I welcome the work and the progress that this Conservative Government have made in advancing the rights of the LGBT community. My hon. Friend the Member for Rutland and Melton (Alicia Kearns) is not in her place, but she clearly made the Conservative case for protecting the individual, for championing people's

individuality. That is why I speak today as well. Ensuring that those in the LGBT community are able to live freely and happily is something to which I know even my ministerial colleagues are utterly committed.

On some specifics, I welcome the Bill's clear framework in defining what conversion practices are and the nature of the new offences. I accept there is more to do, but a framework is where we start. The hon. Member for Brighton, Kemptown is right to focus on the highly organised, planned activities and operations where a huge amount of harm takes place. By having that type of focus, I think we can better measure the success of the measures in the Bill, should it become law.

Having combed through the Bill, it is clear that great care has gone into making sure that a range of groups, including different faiths, have been properly heard. That is vital in considering the complexity surrounding the issue and the need to make the new offences completely watertight. Members will know how incredibly difficult it is to strike the right balance on an issue such as this, and to maintain religious freedom while cracking down on harmful conversion practices. I believe that the Bill successfully treads that path.

By taking a tough stance on the very worst conversion practices, we can help to ensure that LGBT people are able to live their lives free from the suppression of their gender and sexual orientation. No one in this country should be subject to the erosion and undue manipulation of their own identity. I hope that Members in all parts of this House support the hon. Gentleman's Bill, and that we do not delay any further in getting it through to the next stages for further deliberation on the finer details.

11.34 am

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): Let me begin by telling a little story that may surprise some Members who have made assumptions and judgments about my position on policies of this type.

When my party leader, Alex Salmond, introduced equal marriage to Scotland, it was done in a collaborative and supportive way, involving proper engagement with all members of the community. All the Churches were involved, through an assembly process. It was a smooth and positive campaign that delivered real, meaningful change. I have not availed myself of it, because I am happy to stick with the old-style civil partnership—my partner and I are very comfortable with that—but for those who want a marriage ceremony, it is brilliant.

After the introduction of equal marriage at the beginning of 2015, the Equality Network, which had led the campaign for it, organised a consultation on what the priority should be for equalities campaigning in Scotland. So I trundled off to Edinburgh on a cold dark March evening to sit in a room with a large group of people—transexual people, transgender people and gay people. I was the only politician who had turned up on that cold evening, and I was full-throated in my support for advancing disability and inclusion rights and the rights of transgender people. What I had never signed up for, however, was the insinuation of queer theory into the rights movement and the equality movement, and the pernicious effect that it would have. I had not realised how dangerous and disruptive that movement was until I spoke up, very politely, and said a simple thing: "Women are not being listened to in the trans debate."

[Neale Hanvey]

The response that stemmed from that simple statement of absolute fact has been horrific. People describe me as gender critical, but I am not transphobic—absolutely not. I have led my local Pride march for two years, I have introduced safe spaces for trans people, and I have relationships and friendships with people who are transgender and transsexual. However, when I look at a policy through the lens of someone who has been involved in safeguarding and child protection throughout his professional life and I see a risk in that policy, it is my duty to point that out to legislators and to say, “This is dangerous.”

The reason I have brought that up and the reason it is relevant to the debate—I am coming to that; I can see that the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) is getting anxious—is that this policy does not sit in isolation from queer theory. It is part of the queer theory movement, and despite all the reassurances and despite the hon. Gentleman’s best efforts—and I believe that his speech and his engagement have been entirely sincere—he cannot divorce what he is attempting to do with this legislation from the activists who will have a very different reading of the words that he has spoken today, and the reassurances that he has given us. That is my great fear and concern.

I have risen to oppose the Bill not despite but because of the fact that I am a gay male who can see the dangers that it presents to gender non-conforming young people. I came out in the 1980s, when being gay was not fashionable and people could still be sacked for it, with no recourse or redress in employment law. In those days, my greatest allies were women: Women in the Workplace, the feminists who volunteered alongside me at Scottish AIDS Monitor, the women who worked alongside me in schools delivering drug and sexual health education to young people in response to the particular AIDS problem that we had in Edinburgh, and the women who walked alongside me on Pride marches. I remember that, and I value it.

It is so sad that the cause of improving the lives of transgender and transsexual people in the UK has been blighted by a campaign that can be described as, at best, divisive and aggressive. My family and I have been subjected to the full force of that campaign, which is the problem with this Bill. I believe the intentions of the hon. Member for Brighton, Kemptown are genuine, but it is against a backdrop of queer theory activists and heterosexual people telling me how I should define myself and what I should accept as a gay man. That is unacceptable. It is homophobia, and I do not care what anyone says.

Balancing rights and protections requires the consideration of every affected community, and every affected category within each community. Despite what is often said, neither queer theory nor gender ideology is about inclusion or diversity. It is an anarchic, authoritarian movement, the purpose of which is to disrupt and silence. Speaking up has not been easy, and the impact on my family has been enormous.

As a voter, I want to vote for a politician who I believe is telling me the truth. I do not want to vote for a politician who lies to me, who says that black is white or that Y is X. That will never be acceptable, which is why I feel a responsibility to live up to that standard. I have

made this point before, but conversion therapy bans are part of a slate of policies which, in my view, are intended to insinuate queer theory into every facet of our culture and to control and limit freedom of thought, freedom of speech and freedom of expression. The clearest example is that I am somehow not same-sex attracted but same-gender attracted, and that I should therefore accept trans-identifying females as an acceptable partner. Thankfully, that is never going to happen because my partner and I have been together for 30 years and there is no way that will change—I do not have the energy to think about it.

Robin Millar (Aberconwy) (Con): I try to listen carefully to these debates, and each time I learn much that is new. The hon. Gentleman brings a perspective to this debate that is completely outside my own experience, for which I thank him. He makes an important point about inclusivity, and I want to understand the implications. Is he saying that this Bill is effectively promoting an exclusivity, and that it is not inclusive? By describing the slate of queer theory policy, is he saying that this Bill would be unintentionally harmful well beyond its actual scope?

Neale Hanvey: The hon. Gentleman makes an important point, and I will address some of those complex issues.

If we look at the Bill through a utilitarian lens, there is a desire to protect the few, which is a laudable and noble aim, but it would limit the freedoms of so many and would potentially inflict serious criminal harm upon them because of a lack of foresight of the consequences of some of the proposals.

As a counterpoint, and this speaks to events that have happened today, can Members imagine a circumstance in which it would be remotely acceptable for me to lecture my partner about how he should feel when somebody expresses a racist view towards him, how he should manage it and how he should respond to it? I would never presume to do that as that is absolutely not my place. By the same token, it is not anyone’s place to lecture women or LGB people, or force-team them with others and say, “You must campaign with them. You must accept their demands.” That is what queer theory is doing to our society

Danny Kruger: The hon. Gentleman is making a really important speech. Is it not extraordinary how that demand that was made of him, and that is made all the time, is done under the guise of freedom? It is said that it is an assertion of liberty, and a protection of individual rights and free speech. Is it not a bizarre inversion of truth when those sorts of arguments are made?

Neale Hanvey: That is a really important point. That campaign is supposed to be about equality and inclusivity, but one of its main activities is to find people to exclude, dox, deplatform, cast aside and force out of their jobs. How is that inclusion? How does that win anyone over to the noble aim of preventing harm? Harm can be prevented through legislation that is already in place, whether that is the Equality Act 2010 or statutes that deal with torture and abuse. The legislation is already there, so what exactly are we trying to fix? I cannot understand what that is. There is a shiny Bill here that says that conversion therapy is bad—of course it is bad; nobody disagrees with that. The Bill will not solve that. In fact, it will probably make it a whole lot worse.

Miriam Cates: The hon. Gentleman is making a brilliant speech and laying out not just what the Bill could do, but the background and culture against which we are speaking. He is right that the Bill would interfere with people's freedom and freedom of expression. Does he also agree that it would interfere with fundamental human rights under the European Convention on Human Rights? The Bill, even with the suggested amendments, would interfere with some of the basic rights to freedom of speech, religion and conscience?

Neale Hanvey: I will come to that specific point and I will challenge the hon. Member for Brighton, Kemptown about some of his assurances that the Bill is compatible with human rights legislation because I have taken the view of a couple of King's counsel, one of whom is a double KC, who disagree with the hon. Gentleman's assessment.

My experience is imbued with the naked bullying and harassment that I experienced in my political group in this place. That was not because I was transphobic or anything like that—that is a ridiculous accusation—but because I will not submit to queer theory. I will not submit to gender ideology or to anyone telling me that I am same-gender attracted because that is a nonsense. That is not the truth. It is not hyperbole to say that this type of legislation is the thin end of the wedge and it has the potential to be the most dangerous, regressive, illiberal and authoritarian policy proposal that I have ever witnessed in my lifetime. *[Interruption.]* If the shadow Minister, hon. Member for West Lancashire (Ashley Dalton), wants to make an intervention, I am happy for her to do so, but if she wants to mutter under her breath that is entirely up to her, but it is not a particularly great look.

This legislation is not about fixing a problem. It has the potential to actively and seriously visit harm on those it purports to protect. If it were genuine in its aims to protect LGB and T people, then we would be debating the policy proposal put forward by Sex Matters for legislation to ban modern conversion therapy, where queer theory adherents use affirmation as a vehicle for the medical and surgical conversion of many gender non-conforming young people and other vulnerable young people, wrecking their futures.

Lloyd Russell-Moyle: I do not believe and I have not seen evidence that modern conversion therapy is a widespread practice. However, the hon. Member must recognise that the Bill does not say that one thing is banned for the other; it says that both, if they are happening, are abhorrent and should stop. Surely he should support the Bill so that it can go to Committee and provide the safeguards he wants, because it will ban the thing that he says is an abhorrent practice?

Neale Hanvey: The hon. Gentleman made that point to me some days ago in the media, and I agree with him. I said, "I believe that you are earnestly trying to fix the problem and you are trying to reach across both sides"—I genuinely do believe that. But you cannot divorce yourself from the backdrop of queer theory activists who are causing mayhem, and will interpret, despite your reassurances and clarifications—

Madam Deputy Speaker (Dame Rosie Winterton): Order. The hon. Gentleman knows that he must not address another Member directly. Please do so through the Chair.

Neale Hanvey: Apologies, Madam Deputy Speaker.

The reassurances given to the Chamber will not be carried forward with activists—we know that that is not the behaviour of activists—so there is a real concern around the backdrop to the legislation. We have heard a little about a survey as evidence to support the legislation. That was a self-administered survey, so nobody could really verify the data, and anyone could have entered those figures. The definition of the reported practices is absolutely spurious—nobody knows what it means. It could be a bit of a giggle, let us be honest; people could fill the form in for any reason.

What little evidence there is of those practices has been described in a qualitative literature review conducted by Coventry University and submitted to the UK Government. It has been criticised by important rights organisations Sex Matters and the Gay Men's Network for its narrow historical scope and its lack of relevance to the constituent countries of the UK, given that 85% of the data reviewed in that study relate to practices outwith the UK. Furthermore, it is understood in academia that a qualitative literature review is of limited use; all it really does is inform the backdrop to a piece of primary research. It is not generalisable or transferable to general populations; its purpose is to analyse a situation and come up with an idea for research. That evidence is insufficient to qualify for legislative decision making. Coupled with the survey, that data is not particularly reliable; it ignores the very real conversion therapy of queer theory affirmation. I do not think that the hon. Member for Brighton, Kemptown is seeking to mislead anyone, but I must point out the backdrop of queer theory in this context.

When it comes to fundamental freedoms and the impingement of this legislation on human rights in the United Kingdom, it is not just me and other hon. Members who have concerns, as I said earlier. Jason Coppel KC said in his written opinion for the Christian Institute:

"I consider that the Bill...if passed, would constitute a serious intrusion into the legitimate activities and practices of Christian churches and religious communities, which would be contrary to their rights protected by the ECHR, and so to the Human Rights Act 1998. They would also interfere with the legitimate expression of gender critical views, again in a manner which would be likely to breach ECHR rights."

The Bill is "broad in scope." It

"would apply both to practices which seek to 'change' sexual orientation or transgender identity and practices which seek to 'suppress' sexual orientation or transgender identity i.e., to change conduct."

It

"would apply to acts which cause no injury or distress; and, indeed, to acts to which the person in question consents."

It

"would apply across a wide range of settings, including social and religious settings (although, the Bill...would exempt at least some conduct of parents vis-à-vis their children). Whilst some attempt has been made to craft exemptions or exceptions so as to ensure that the practice of religion is not prohibited, the central prohibition in the Bill...remains a wide one, applying to churches and other religious organisations, and to those expressing certain views, including gender critical views, outside those settings."

The Bill...would, if enacted, interfere with a number of rights protected by the ECHR."

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It

“would (by way of example) restrict the ability of religious organisations to express their beliefs (both within their own communities and to the wider world) and the ability of gender-critical persons to express their beliefs to persons who profess a gender identity which is inconsistent with those beliefs. Such restrictions are likely to interfere with (at least) the right to respect for private and family life (Article 8 ECHR); the right to freedom of thought, conscience and religion...the right to freedom of expression...and the right to freedom of assembly and association (Article 11 ECHR)... It is very difficult to see how the wide-ranging interference with fundamental rights contemplated by the Bill...could be justified. Put shortly, the Bill...would criminalise expressions of personal conviction even if they are made without expressions of hatred or intolerance, or improper purpose or coercion, or abuse of power. Restrictions of that nature run contrary to the consistent case law of the European Court of Human Rights”.

Lloyd Russell-Moyle: The hon. Member is making such a long speech that we might as well have a bit of a dialogue about some of these things. Such bans have been introduced with similar assurances and clarifications in other European countries that are under the convention. Why is it that that legislation has not ended up in the European courts, but he thinks that this Bill, which is even more cautious, suddenly will? It does not make sense to me.

Neale Hanvey: I thank the hon. Gentleman for his intervention, but he needs to field that question to the King’s counsel. That is not a question I can respond to on his behalf.

Hon. Members: Ah.

Neale Hanvey: Well, that is a matter of fact. If Members want to engage with the KC, please go right ahead.

Sir William Cash: Vicariously, this is about criminal law, not matters relating to the European Union’s general administrative arrangements.

Neale Hanvey: I take the hon. Gentleman’s point, but the opinion of the King’s counsel is that enacting the legislation would have the effect of infringing those European convention on human rights freedoms that we all have every right to expect within extant legislation.

Danny Kruger: For me, the answer to the hon. Member for Brighton, Kemptown is that there is something about the culture of the British courts that means they use the ECHR to pursue their particular political purposes, as we see constantly. There is something about the culture of the European courts that means they do not. We are familiar with this phenomenon whereby European countries have arrangements that do not entangle the European convention on human rights or the European Court. Here in the UK, our lawyers delight in using the European Court to pursue their politics, and that is exactly what would happen in this circumstance.

Neale Hanvey: I thank the hon. Gentleman for that clarification, which is helpful. The point I will make next is that in Scotland there was similar legislation. In a 46-page legal opinion, Aidan O’Neill KC, who is a double silk, talked about these types of proposals,

which would see faith leaders and others imprisoned for up to seven years and hit by unlimited fines if convicted of involvement in so-called conversion practices. He states:

“This is perhaps best described as ‘jellyfish legislation’. The concepts it uses are impossible to grasp; its limits are wholly undefined; it contains a sting in the tail in the form of criminal sanction of up to 7 years and unlimited fines; and thus it will have an undoubted and intended effect of dissuading persons from ever even entering the now murky waters of what may or may not constitute unlawful ‘conversion practices’.”

Some have argued that there is a nervousness among some gay Members on the Government Benches that failing to support a ban would hold some equivalence to the impact of the controversial section 28 amendment introduced by the Thatcher Government in 1988, which prohibited the promotion of homosexuality in schools. It is well understood by those of us who lived through that and opposed the legislation that it reinforced the then ubiquitous homophobia that stifled education and support for gender non-conforming young people. Thankfully, that policy was repealed in 2003 under a Labour Government, and that is a good thing. However, this proposal would undo all the value of that repeal. The effect of this Bill is much more likely to be directly comparable to the chilling effect of section 28 than in any way enhancing its repeal.

Let us consider, for example, a young gender non-conforming person who has a positive relationship with a member of the teaching staff. In the current situation, they are free to discuss and explore their emerging sexuality, and to be challenged on some of the views they hold. That is no easy conversation even in today’s context, but given that social media is full of misinformation and enticements that there is some magical, simple fix to complex problems, these are matters that a young person could choose to explore with a trusted adult or a parent. The introduction of this legislation would make that nigh-on impossible. Teachers, youth workers, nurses, doctors, social workers, church leaders and parents would be forced to think twice or refuse to entertain such a conversation, for fear of accusation and criminal prosecution.

Suella Braverman (Fareham) (Con): I applaud the hon. Gentleman for his powerful and compelling speech. Parents have come to me in tears with their young adult child who had undergone transition some years earlier and has subsequently come to regret the decision. These parents are upset and distraught, as is the young person. They are filled with regret and pain, and they ask me, as their constituency MP, what I can do to help with detransition. There is really no answer to that. How does the hon. Gentleman think that parents in that very difficult situation, with a teenager experiencing gender dysphoria or exploring their sexuality, will be able to cope under this proposed law?

Neale Hanvey: I thank the right hon. and learned Lady for her intervention, which raises important points. They would do so with a sword of Damocles hanging over their head. They would do so with the risk that if their child wanted to be belligerent, to challenge them and push boundaries—the normal actions of any adolescent—they would be able to use that as a weapon and say, “I’ll go to the police if you don’t give me what I want.” That is the reality. That would be one of the pernicious effects of this proposed legislation. It would

have a direct impact on family life and the normal functioning of the family by undermining parents' role in providing counsel and guidance, and in testing things out with their child. Being open and able to speak freely with their child about difficult issues at the dinner table is one of the most important roles a parent has, but this would snuff out the ability to facilitate such conversations.

The Bill would affect a broad range of people and it would leave the young person at the mercy of radicalised activists and social media influencers who operate under the pseudo-theocratic rules of a doctrine that, as I have said, is chaotic, anarchic and disruptive.

Paul Bristow (Peterborough) (Con): The hon. Member is making an excellent and thoughtful speech. He talked earlier about how equal marriage was passed in Scotland and how many of the faith communities were brought together with the Scottish Government at the time in order to achieve that. Does he understand it is not just Christian communities that have major concerns about the Bill? In Peterborough we have a large Muslim community who are very concerned about how their work will be impacted by the Bill, and how some of the madrassahs and schools will be impacted. Does he recognise that is a challenge as well?

Neale Hanvey: Yes, that is an important point and refers back to the points made in the previous intervention. I have a very busy constituency office and I meet church leaders and different faith groups to talk about these issues. They are relieved that they have a Member of Parliament who is prepared to stand up on their behalf and ask the difficult questions. I have parents with children who are contemplating transition or who are desisting, so I deal with that.

I also have members of staff in the local health service who are finding themselves in a very difficult situation because queer theory has insinuated itself into the culture of all our institutions. The staff have no sense of privacy or dignity, and they are concerned about the privacy and dignity of their patients. That is why it is so important to name queer theory as the backdrop against which this legislation is being proposed, and my concern is that it would be the thin end of the wedge. The hon. Member for Brighton, Kemptown said that the Bill would be reviewed in four years' time. Yes, we can have amendments and new clauses added to the legislation, but that goes both ways. The next time it is reviewed, all caveats could be removed. The full-throated queer theory doctrine could be forced into every part of our society, which is a risk that I am not prepared to leave unchallenged.

As I said, the Bill leaves young people at the mercy of radicalised activists online, and such activity is to be tolerated. There is no amendment to the Online Safety Act 2023 to prevent access to people who encourage and entice young people to sign up to irreversible medical and surgical treatments from which they can never row back. When someone stops puberty, they cannot restart it—that is it—and all the important developmental changes that happen during puberty are gone. Transitioning is not just about affirmation; it involves coercion, persuasion and unrealistic enticements, which lead young people who are living through desperately difficult times to believe that there is a quick fix for their problem.

The ideology underpinning all this is the real threat, and makes this legislation much more illiberal and much more difficult for young gender non-conforming people than section 28 could ever have been. That is the effect of this legislation: it would block therapeutic support for gender non-conforming young people and channel them, through unquestioning affirmation, into a lifetime of medical treatment and surgical limbo. We know that gender non-conforming behaviour is being used as evidence of gender dysphoria by non-experts in the classroom and in other professions. A significant finding of the Cass review was about the culture that existed at the GIDS clinic, and I ask all Members to reflect on the words of the brave detransitioners who were discarded by the “be kind” brigade of radicalised activists when they decided to desist. Kiera said:

“I became attracted to girls, but I had never had a positive association with the term ‘lesbian’ or the idea that two girls could be in a relationship. I wondered if something was wrong with me. I was adamant that I needed to transition. It was the kind of brash assertion that’s typical of teenagers. After a series of superficial conversations with social workers, I was put on puberty blockers at age 16. A year later, I was receiving testosterone shots. When 20, I had a double mastectomy. As I matured, I recognised that gender dysphoria was a symptom of my overall misery, not its cause.”

Ritchie said:

“Homophobia was rife in the local culture, my family and school and it seemed to be the worst outcome ever to end up gay. My behaviours were policed by others for being too flamboyant or eccentric, and I struggled with fitting in with others. I latched onto the idea with an unfounded zeal, and not a single medical professional stopped me thereafter. I delayed my appointment for surgery for over two years, because I had doubts. But then they gave me an ultimatum and I knew that if was not going to go through with the surgery I would have lost my therapist. As soon as I was conscious, I knew I had made the biggest mistake of my life. My sex has been lobotomised.”

That is manifestly not informed consent. It is coercive and abusive, and it breaks all ethical principles of respect for personal autonomy. We need positive LGB and T messages, not false promises that personal struggles can be fixed by mutilating surgery and experimental drugs.

But it is not just lesbian and gay young people at risk. Sinead said:

“Transitioning evangelists on the forums tell young people like me that all will be well. After cutting my long hair short and wearing men’s clothes for a year, I was put on a 12-month waiting list for treatment at a gender clinic in Glasgow. I could not believe how easy it was. What I needed was counselling to uncover why I had come to loathe my body. Instead the professionals appeared to take what I said at face value. When I said I was in the wrong sex and wanted to be a man, they agreed and prescribed me with testosterone. No one ever told me the truth: ‘You’re not a man. It’s impossible to de-sex yourself.’”

The effects on those young people have been devastating, because they were denied the help they needed.

I pay tribute to Sex Matters and the team at LGB Alliance for their invaluable work standing up for the rights of young LGB people. I want to challenge a comment that was made earlier. Being lesbian, gay or bisexual is a sexuality. That is manifestly different from being transsexual. I am not indifferent; in fact, I feel passionate about trans people being looked after properly. But to say that, in order for my identity to matter, I have to be teamed with the trans community is completely unacceptable; it is homophobic. Those organisations that I mentioned have protected young people from a tsunami of lies. I cannot put into words how strongly I

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feel about this. I thank Keira Bell, Ritchie Herron, Sinead Watson and every other detrans person who has had the courage to stand up and speak out. I am absolutely humbled by the experience that they have gone through and their courage to put that into words. As Keira put it:

“it was the job of the professionals to consider all my co-morbidities, not just to affirm my naïve hope that everything could be solved with hormones and surgery.”

I acknowledge that this Bill seeks to provide access to therapy and, as we mentioned a moment ago, to address affirmation conversion practices. However, I ask the hon. Member for Brighton, Kemptown, where are the therapists? Where will they come from? Child and adolescent mental health services are already under enormous pressure. If through threat, fear or a chilling effect the trusted adults who can engage with gender-questioning young people or those who think they might be gay will be limited in who they can interface with, who will pick that up? Those young people will be left isolated, unable to speak to anyone about their sexuality. The chilling effect that this Bill risks is enormous. Where will the therapists come from?

The reality is that young people will be redirected to the quacks on social media. They will not be able to speak to a trusted adult. That risk has to be understood. The reality is that this Bill puts those it seeks to protect in harm's way and restricts the support that they can draw on. This is the wrong legislation for young gay, lesbian and transgender people. It attempts to solve a problem that does not exist, and fosters a new, chilling homophobic culture—just like section 28.

I agree with the proposal from Sex Matters that any legislation should meet the following four policy aims: outlaw all medical or surgical treatment of minors to modify their sexual characteristics; outlaw medical surgical treatments performed on anyone who has not had the full implications of the treatment explained to them; make it a specific offence not to provide adequate information and ensure informed consent; and make it an offence to take a child abroad to get around the prohibition of modern conversion therapy. Sex Matters helpfully suggests that the legislation could use the model that was used for legislation on female genital mutilation and virginity testing.

The not-for-profit organisation the Gay Men's Network was established to tackle modern homophobia, and I engage with it regularly. It agrees that the Bill is the extant modern conversion therapy scandal affecting gender non-conforming young people and others struggling with normal yet distressing pubertal body dysmorphia. Furthermore, the Bill risks embedding in statute the lie that gender non-conforming behaviour is evidence that some of those young people were born in the wrong body; that the normal development of puberty, which can never be restarted or repaired, should be arrested with chemicals; and that trauma or emotional distress can be fixed with cross-sex hormones or affirming the person on to an accelerated and irreversible pathway, which amounts to a policy of transing away the gay. That is wrong, and that practice must be the urgent focus. The evidence is there; it is widespread. We know of the huge explosion of referrals into GIDS, which is closing, but the service does not provide any follow-up.

For lack of a better phrase, how can it do that to someone? How can it give surgical treatment and fail to follow it up? I cannot imagine that happening in any other field of medicine. It is completely unacceptable.

The Gay Men's Network is concerned that an affirmation-only approach could easily be inserted as an amendment or a new clause if the Bill goes to Committee. Going to Committee does not mean that the Bill will be repaired; it could get worse, and we must be mindful of that.

Robin Millar: It is very generous of the hon. Gentleman to give way a second time. I am again struck by his perspective on the process of conversion, and specifically on the length of time. He is describing a situation whereby people are on a journey, making decisions and wrestling with something existential—their identity—and I wonder whether the Bill adequately addresses that. It seems to me that it addresses a one-off moment—an incident or an action, reprehensible though it may be—but does not deal with a lifetime of wrestling with one's sexuality or sex.

Neale Hanvey: I thank the hon. Member for that observation. The hon. Member for Carshalton and Wallington (Elliot Colburn) said that a young person has to wait 10 years, for example, for gender reassignment surgery, but during that time they will start on puberty blockers and other such medicines, and possibly cross-sex hormones, and the damage is done. Whether they have surgery or not is pretty academic at that stage, because irreversible treatment will have been administered.

The other point I would make in response to the hon. Member for Aberconwy (Robin Millar) is that there was an option not to introduce this Bill and move the issue forward. The hon. Member for Brighton, Kemptown could withdraw the Bill and we could establish a process of community engagement, through community assemblies, citizens' assemblies or something of that nature. We could thereby have the debate we should have had five or six years ago, where everybody's voice is valued, everybody gets to have a say, the Churches are involved right at the beginning and an accommodation is found that makes this kind of practice absolutely unacceptable—there is a clear output that this will never happen, but it does not have the strand of queer theory running all the way through it. That is the real problem.

Let me move on to the document on the Bill published recently by the Gay Men's Network, because the hon. Gentleman addressed this in some detail and it is important to respond on some of the legal points. The GMN has among its number some legal experts, including a criminal barrister and an award-winning legal academic. It makes comments about the legislation under a few headings, the first of which is

“The wide net of criminal liability in the bill”.

The document states:

“The bill provides via clause 1, 4 and the Sentencing Act 2020 that:

- a. a single act
- b. the purpose and intent of which
- c. is to change or suppress
- d. sexual orientation or transgender identity
- e. be a criminal offence if not excused by a defence in clause 1(2)

We draw attention to the terms ‘suppress’, ‘sexual orientation’ and ‘transgender identity’.

'Suppress' in comparative Scottish proposed legislation is defined widely, it includes, for example, a concerned parent forbidding an autistic daughter from wearing a breast binder because regulation of clothing is specifically cited as an act of suppression.

This bill proposes that the terms 'Sexual Orientation' and 'transgender identity' mean the same as in the Sentencing Act...this is problematic because that act defined neither term. It is important to note that the meaning of 'sex' (and therefore sexual orientation) is not settled in law and a Supreme Court Case on the subject is pending."

Luke Pollard: I have been listening intently to the hon. Gentleman, but I am curious because the Bill he is referring to is not the Bill we are considering. Where is "suppress" in the Bill that we are considering? It would help me to follow his thoughts if he could help us with that.

Neale Hanvey: I have stated where it says "suppress" and the hon. Member for Brighton, Kemptown mentioned "suppress" in his contribution.

Alex Davies-Jones (Pontypridd) (Lab): It is not in the Bill.

Madam Deputy Speaker (Dame Rosie Winterton): Order. The hon. Gentleman should carry on.

Neale Hanvey: I will—

Sir Christopher Chope (Christchurch) (Con): Is the hon. Gentleman referring to clause 4 and line 10 on page 3 of the Bill, where there a specific reference: "to suppress a sexual orientation"?

Neale Hanvey: Yes. As I was saying, the document points out that the use of the Sentencing Acts definitions is "problematic" because the definition of "sex"...is not settled in law and a Supreme Court Case on the subject is pending. 'Transgender Identity' is similarly problematic because the concept of 'identity' is wider than the equivalent protected characteristic" in the Equality Act.

The document moves on to the ineffectiveness of statutory defences, saying:

"While Clause 1(2) of the bill makes serious efforts to deal with concerns around prosecutions each defence raises serious issues in the following terms:

a. The religion defence is not a statutory defence at all because it cannot apply where a conversion practice has taken place. This means it is not an excusatory defence in criminal law.

b. The 'approval/disapproval' defence is vague and 'disapproval' is not defined

c. The 'health practitioner' defence is a complex three-part defence which places the 'reverse burden' on a Defendant. The definition of a 'health practitioner' at Clause 4 covers most but not all clinical roles, (unregulated therapists, counsellor, helpline operators or online forum moderators would not qualify). To rely on this defence, a health practitioner must also prove to the civil standard (i) they were complying with regulations (this term is not defined) (ii) that the action they took was reasonable and (iii) that there was no 'predetermined outcome'. Placing reverse burdens on Defendants (particularly clinicians or similar) is generally considered to be undesirable because Defendants are not expected to prove their innocence. Legitimate clinical practice will sometimes have a predetermined outcome where a confident and clear diagnosis is made."

I can think of examples where that would apply in clinical practice.

The document continues:

"d. The 'assisting' defence is unclear and undefined.

e. The 'exploring or questioning' defence suffers from the same flaw as the religion defence, it applies only where a conversion practice is not proved and so is not a statutory defence at all.

f. The 'parental responsibility' defence applies only where a person having parental responsibility (i) is exercising it and (ii) where they prove on reverse burden that the welfare of the child was their paramount consideration. As children get older parental responsibility in law is 'exercised' less and less. Requiring a parent to prove that welfare was not simply a consideration, but a 'paramount' consideration is onerous and likely impossible for a Defendant parent to prove."

The Gay Men's Network also addresses the human rights issues we heard about from the two KCs earlier:

"We take the view that the bill as drafted is not compliant with the Human Rights Act 1998 and would likely be declared incompatible with the convention for the following reasons:

Right to a Fair Trial (Article 6)

A prosecution alleging a parent suppressed an identity by regulating clothing would require a parent to accept that such an identity exist. That is contrary to Article 6 which requires criminal tribunals be independent. It would also compel belief in the criminal sphere in such a concept while disbelief in such a concept is a protected characteristic in the civil sphere. That would create a serious inconsistency in law."

That is very clear. The document continues:

"The bill leaves key terms undefined which is contrary to the Article 6 right that a Defendant understand the case against them in ordinary and clear language. The reverse burdens in clause 1(2) impose significant and onerous burdens on Defendants and in some cases do not amount to statutory defences at all.

Right to respect for private and family life (Article 8)

The bill makes significant incursions into family life by potentially criminalising parental guidance or regulation that touches on sexual orientation or 'transgender identity'. Difficult conversations that parents have"—

as we spoke about some time ago—

"as a matter of course would potentially be criminalised. Further, a parent can only rely on the relevant defence as outlined above. This is highly likely to be viewed as significant state overreach by domestic and supra national courts.

Right to freedom of conscience (Article 9) and expression (Article 10)

This bill would significantly curtail both religious and political expression. A similar bill passed in Victoria, Australia, led to the domestic human rights body regulating public prayer. The fact that criminal liability can trigger from a single incident and the wide meaning of the term "supress" casts the net of criminal liability so widely the offence is likely to be declared incompatible with the convention."

The document concludes:

"While the member for Brighton Kemptown has made significant efforts to deal with such concerns our position is that a bill based on the self-reported phenomenon of 'identity' and the wide term 'supress' might, despite best efforts, perversely fuel the very problem that it intends to solve."

As I mentioned earlier, like section 28, the Bill would likely prevent a young person from securing an explorative conversation with even the most supportive and receptive trusted adult, due to its chilling effect. I have also raised the question of who would then provide the approved therapy.

Moving on to therapists, in a recent paper, educational psychologists Dr Claire McGuigan, Dr Peter D'Lima and Lucy Robertson highlight the assumption that psychologists will be the ones who will guide the response and who have the skills to do so, but observe that psychologists are divided on this issue, too. They note the following:

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“In response to the interim findings of the Cass review...the Association of Clinical Psychologists-United Kingdom...published a statement demanding a radical shift in the support for young people with gender concerns. They called for more comprehensive multi-disciplinary assessments and increased consideration of sociocultural factors, such as homophobia. The ACP-UK also strongly conveyed the uncertainty about how best to intervene related to the dearth of robust and high-quality data on the safety and effectiveness of medical transition, and the inability of clinicians to ascertain clearly who will persist or desist in their gender dysphoria...The ACP-UK statement was met with a rebuttal from a group of clinical psychologists in an open letter to the ACP-UK...They disassociated themselves from the ACP-UK response...Within educational psychology professions, however, only two educational psychologists have publicly referenced the concerns reflected in the Cass review.”

Apart from those two voices, the psychologists claim that there is silence, avoidance and suppression.

Silence: there is no response from the Association of Educational Psychologists or the Division of Educational and Child Psychology, and no guidance or caution, despite it being reported that educational psychologists are expertly placed to support trans-identified young people. Avoidance within the profession: it almost appears as if the Cass review did not happen at all, and that there is clear consensus on how best to support trans-identified youth. Their approach is affirmation, and that is the problem. Alongside that, there is suppression. That is being enacted on social media, where clear messages have been put out that if anyone asks a difficult questions, they are to be shut down and reported to the regulator and will face disciplinary action. That is the culture at the back of all of these pieces of legislation. That is the risk: professionals cannot become activists. That is happening in education and in educational psychology.

The paper led the authors to raise the fundamental position—I absolutely agree with it, and it applies to so many disciplines—that surely a healthy profession, a profession which prides itself on child-centred, evidence-based reflective practice, cannot continue to avoid, ignore or suppress the issue any longer. It must openly, explicitly and deeply engage with it. Disagreement must be tolerated and explored. The alternative is avoidance of the issue to protect educational psychologists from discomfort at the expense of the needs of children.

Nick Fletcher (Don Valley) (Con): The hon. Gentleman is making a fantastic speech. I live by this quote of Thomas Sowell:

“There are few things more dishonorable than misleading the young.”

It has stuck with me ever since I read it. The House needs to remember that. Does the hon. Gentleman agree that if we can only affirm a child’s choice, to believe that they are in the wrong body, we are in a desperate situation and would be in a place where we were misleading the young? That would be absolutely tragic for every child, every parent, every teacher, every member of the clergy and every practitioner, not just in this country, but across the world.

Neale Hanvey: I thank the hon. Gentleman for making that important point. This is a question that every single Member of the House needs to bear in mind: what will they do in five or 10 years’ time, when a sea of people who were affirmed and rapidly put on to a pathway of

irreversible treatment, come to the politicians and say, “You did this to me. You said this was okay. You made this policy. You stopped me from accessing therapy. I needed therapy?”

We have had the warning signs from Keira and others. We know that that is a real risk and we know that detransitioning is under-reported. A lot of people are out there, suffering in silence. They are not being listened to. No services are reaching out to them. They may feel completely lost and at sea. We have to think very carefully about facilitating that and putting a new tranche of young people on to that irreversible pathway.

The EPs made a really important point, and I will take up another point from the intervention of the hon. Member for Don Valley (Nick Fletcher). My professional background is in working with young people in cancer care. I worked with older paediatric patients from the ages of 11 upwards and sometimes into young adulthood. It is quite amazing how young people can accommodate some of the most difficult information. They can face challenges that would humble most of us and make well-informed decisions, but the reality is they have no choice in that situation, because they have cancer, and nobody can make that go away. I know that young people can make courageous decisions, but there is a fundamental difference between helping and guiding a young person through those types of choices and affirming a young person on an irreversible pathway of medical surgical intervention that is completely unnecessary. I cannot for the life of me understand how any professional can say, “I did a good job today because I have allowed this young person to go down this irreversible pathway,” knowing full well the later effects of those types of treatments.

All that is important, because comprehending one’s adult self as a child is different from dealing with difficult questions that cannot be avoided. While children have aspirations and ideas about who they want to be when they grow up, based on their experiences and observations, their understanding is limited by their cognitive, emotional and physical development. Proponents of queer theory often claim that Gillick competence allows all children to consent to any treatment or process, but that is a complete misunderstanding of what Gillick competence is. It is a name conferred to a legal principle established in the UK with *Gillick v. West Norfolk and Wisbech Area Health Authority*, which states that minors under the age of 16 can consent to medical treatment without parental consent if they demonstrate sufficient understanding and intelligence to comprehend the nature and implications of the treatment.

I refer back to the comments I just made: that is simply not possible, because that is not something a young person can do. Children cannot grasp the full complexities of adulthood in the way that adults can, and they do not have the ability to project themselves into their as yet unformed future adult self. However, children can still develop a sense of their future selves, which may evolve and change as they mature. The best way to deal with that is to build a relationship with them, talk about how they feel about things and themselves and have that dialogue. This legislation limits that, and that is important parenting.

Piaget’s theory of cognitive development highlights how children’s understanding of themselves and the world evolves as they mature, and other researchers

have also looked into childhood development. We know the science behind all this, and the Bill gets in the way of allowing children to actualise and become their authentic selves by limiting their exploration of these important and defining facets of who they ultimately will become.

All the above leads me to my final argument: the inversion of John Stuart Mill's harm principle. Articulated in his work "On Liberty", it asserts that the only justification for society or the state to interfere with an individual's liberty is to prevent harm to others. According to Mill, individuals should have the utmost freedom to act as they please, as long as their actions do not harm others. That principle rests on the idea of individual autonomy and the importance of personal liberty in a free society, and it has profound implications for the role of Government and the limits of state power. It advocates for minimal interference in the private lives of individuals, allowing them to pursue their own interests and lifestyles without undue constraint, as long as they do not infringe on the rights and wellbeing of others. The Bill unquestionably interferes with the freedoms, rights and wellbeing of everyone, including those whom it claims to protect.

Mill's harm principle remains a cornerstone of liberal thought, emphasising the importance of individual freedom while acknowledging the need for societal constraints when harm is involved. This Bill ushers in a wholesale redefinition of the harm principle whereby it will be illegal to say the "wrong thing" even if it inflicts no perceivable harm, while simultaneously inflicting a totalitarian queer theory world view on everyone else. That is my fundamental concern about the Bill. I think it important that we address the issue, but now is the wrong time, this is the wrong Bill, and queer theory is absolutely the wrong backdrop. If we really want to protect gender non-conforming and other vulnerable young people, we should recognise that they deserve a robust defence of free speech as a basic right, essential for the exchange of ideas and the pursuit of truth.

Despite the sincere attempts of the hon. Member for Brighton Kemptown to carve out exemptions, we simply cannot ignore the fact that the Bill is the thin end of the wedge of the introduction of queer theory doctrine into UK law, and the survival of those exemptions is contingent on their not being amended or nullified by the insertion of new clauses and amendments. This is not a ban on conversion practices; it provides the ammunition of criminal accusations for radicalised gender activists, many of whom are vociferously homophobic. Any legislation that facilitates a process to "trans away the gay" is deeply sinister and dangerous.

As I said at the outset, legislation is supposed to fix a problem, not create a new one. This proposal does real and foreseeable harm, and it should be rejected by every Member of the House and every LGB and T person who truly values the equality and the fundamental human rights of everyone. This legislation must ultimately be defeated, or we will risk depriving a generation of young LGB and T people from becoming the fabulous, vibrant and unique gender non-conforming people they have every right to be.

I will end where I began my contribution to the recent Westminster Hall debate, by quoting Kierkegaard, who said:

"There are two ways to be fooled. One is to believe what isn't true; the other is to refuse to believe what is true."

12.42 pm

Peter Gibson (Darlington) (Con): It is a genuine pleasure to speak in the debate. Along with many other Members, I have been seeking to secure the protections that the Bill affords for quite some time.

I congratulate the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) on his success in the ballot, and on choosing to present such an important Bill. As the back page shows, it is supported by nine other Members, all of them Conservative. The hon. Member is not normally known for his calm and measured manner, but I have to say that in his work on the Bill he has operated with good grace, and I commend him for his patience and his efforts.

It is a matter of regret that despite numerous promises of legislation from the Government for some years, it has fallen to a private Member's Bill to introduce it. Nevertheless, we are at long last having a debate on the Floor of the House on drafted and published legislation. Both main parties in the House can point to positive measures taken over many decades to bring about equality, dignity and protection for LGBT people, including decriminalisation, equal age of consent, civil partnerships, equal marriage, and the lifting of the ban in the military. I am proud to be a Member of Parliament who, as an out gay man, stands up for all in our LGBT community, using my position in this place to stand up for people not because I am one of them, but because they deserve our voice, every single one of them: the L, the G, the B and the T.

Having taken the time to read the reports of debates from those important milestones on the march to where we are now, I am struck by the voices calling for change. There were those who opposed them, but time marched on and progress was made. I hope and trust that we can make real progress today, and whether Members agree wholeheartedly with every word of the Bill, or think that it goes too far or not far enough, let us get it to Committee.

I recently visited Ghana as part of a delegation from Parliament to the Commonwealth Parliamentary Conference, and had the opportunity to discuss the legislation that that country was planning to approve, which shockingly offered conversion therapy as a means of evading jail for homosexuality. The fact that that legislation has now been passed in Ghana, and embraces that which we are seeking to ban today, tells us all that we need to know.

In preparing for this debate, I was told of the story of a 13-year-old boy who knew he was gay but, because of the views of those around him, felt guilt and shame. He was subjected to shaking and incantations prayed over him for the demons of homosexuality to leave his body, and was encouraged to return regularly until he was cured of his homosexual desires. He was naturally shaken by that experience, and suffered the scars for many years. Thankfully, he did not go back. That young man now works as my parliamentary assistant, and is happy and content in who he is.

That small story is just one of many that have been shared in recent years as the debate about this ban has unfolded. There are some who do not believe that this abuse—it is abuse—exists. This House has enacted many pieces of legislation to offer protections from harms that we ourselves may not have experienced, but we in

[Peter Gibson]

this place have a duty to provide protections for those who require them. Indeed, just this morning we prayed to God to lay aside our prejudices and seek to improve the condition of all mankind, as we do every day. If protecting people we do not know and will never meet from harms that we have never experienced is not living up to that noble ambition, I do not know what is.

I have spoken in debates on this issue multiple times and have asked questions many times, and I have been proud to do so. Many other Conservative Members have done so as well, consistently and passionately, and I am pleased that a number of them are here today to support the Bill.

Hannah Bardell (Livingston) (SNP): Will my hon. Friend join me in congratulating the activist and musician Vicky Beeching on the book that she wrote about her experiences of conversion therapy, “Undivided”? I encourage him and everybody else in the House to read that book, because it is the experiences of people such as Vicky that are exactly why we are here today, to prevent further damage of the kind that has been done to those people. At the end of the day, government in its very nature is supposed to be behind the notion of first doing no harm, and harm is being done to our citizens. Does my hon. Friend agree that it is absolutely crucial that the Bill passes Second Reading today?

Peter Gibson: It is absolutely crucial, and I am grateful to the hon. Lady—dare I call her my hon. Friend—who accompanied me on that trip to Ghana and heard those harrowing stories from members of the LGBT community. We stand for some things in this place, and today is an opportunity for us to progress further.

The freedom and liberty to be whoever a person is, is at the core of my beliefs. No one, whether they wear a white coat or a religious cloak, should be able to attempt to change who that person is. It does not work, it never has and it never will, so let us ensure that we send a clear message from this Parliament. I am proud to support the Bill, and I give it my full support.

12.49 pm

Anneliese Dodds (Oxford East) (Lab/Co-op): It is a real pleasure to follow the hon. Member for Darlington (Peter Gibson). I share many of his sentiments. He spoke very powerfully, particularly about his assistant’s experience.

Conversion practices are abuse. There is no other word for them. They cause harm, and that harm can be lifelong. We must be clear that, in the 21st century, we do not accept LGBT people being subjected to these practices. Of course, the Government promised to outlaw this abuse almost six years ago, and they have failed to do so.

In the absence of Government action, it has been left to a Back Bencher, my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle), to develop his own legislative proposal for a ban. I commend him, as many have, for working assiduously with Members on both sides of the House to bring forward this Bill. He has set an example in seeking to build consensus on a sensitive and important issue, and I share his regret

that, despite that joint working, there is still a lack of clarity on where the Government will land on this issue. I hope that, following those intensive and very positive discussions and interactions, we will see the Government support the Bill, which I believe is a genuine attempt to help them with their repeated promise to enact a ban on conversion practices.

Labour stood ready to work with Ministers when plans for a legislative ban were included in the Queen’s Speeches of 2021 and 2022, and we looked forward to the promised pre-legislative scrutiny of a draft Bill. Indeed, as recently as December, the Minister said that he remains committed to tackling conversion practices. We were promised further details of the Government’s plans in this space in the near future.

In fact, a ban on conversion practices has been announced, in some form or another, eight times by successive Conservative Governments since 2018, yet no ban has been forthcoming. This failure means that LGBT people are still at risk of this abuse.

Caroline Ansell (Eastbourne) (Con): The hon. Lady makes an important point about the need for clarity. She has now said the word “practices” five times, and she has said: “Conversion practices are abuse.” So that I can better follow her, will she describe the scale, scope and nature of the practices that she references?

Anneliese Dodds: We have already had a thorough discussion of that in this debate. All the examples are detailed in the Bill, which I hope the hon. Lady has read. Not only are there instances that some might claim are covered by other forms of legislation, but there are cases that are not covered. I have looked thoroughly at the Bill, as she would expect, and I have considered the claim that some of these practices might be covered by coercive control legislation and so forth, but that is not the case. We are talking about abusive practices, and we heard an example just a few moments ago. I thoroughly encourage her to read this Bill, wherein she will find what she seeks.

Ms Lyn Brown (West Ham) (Lab): Some Members will know that I worked closely on the Equality Act 2010 as a Government Whip. We worked carefully and cautiously to pass that Act. We addressed genuine concerns from both sides of the House, and we built cross-party consensus and support. I believe that we could do the same with this Bill. Does my hon. Friend agree?

Anneliese Dodds: Yes, and that is why I believe the Bill should go to Committee.

Labour has been consistently clear on the subject of scope and definitions. We believe that there needs to be a ban on abusive practices, but we also believe that there needs to be clarity that any ban will also protect, for example, explorative talking therapies and counselling, the expression of religious belief, discussion within families and so on—I have repeatedly spoken about this on the record in different debates in the House—and those exclusions are replicated in the Bill, as those who have read it and studied it will be well aware. Again, I encourage Members to read and study the Bill.

We believe that a ban on these practices must be carefully, tightly and clearly worded and appropriately implemented and assessed, which should be par for the

course for any legislation and must apply to a ban on conversion practices, too. I am confident that if this Bill is allowed to go on to Committee it will also be such, and my hon. Friend the Member for Brighton, Kemptown has made a noble attempt to bring those on the Government Benches with him in the journey towards a well drafted ban on conversion practices. To get there, his Bill should progress to its next stages so that it can be properly scrutinised by the House of Commons in Committee. In the absence of any draft legislation being laid by the Government, this private Member's Bill represents an opportunity to protect LGBT people from harmful practices and to ensure that critical issues around scope can be thoroughly debated and resolved in Committee.

If those on the Government Benches are truly serious, as many have said they are, about fulfilling their repeated promises to enact a ban on conversion practices, they should support the Bill as a means of enabling that very progress. We on the Labour Front Bench support the Bill in that spirit.

12.56 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I congratulate the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) on bringing forward this Bill on such an important issue in an area where the Government are keen to make progress.

First and foremost, let me be clear that so-called conversion therapy practices are dangerous and abhorrent and any new legislation in this area must seek to identify those practices as a particular threat to the LGBT community and confirm the illegality of harmful processes intended to change someone's sexuality. The Government remain committed to an approach that protects everyone from harmful conversion practices, including the transgender community.

LGBT people should be free to live their lives without threat or fear for simply being who they are. Lesbian, gay, bisexual and transgender people are valued and important members of society and harmful conversion practices are inherently wrong and have no place in this country, first because they are abhorrent and, secondly, because they simply do not work. On this, we find strong and welcome agreement across the House and I am pleased that we have been able to have a balanced debate with differing views in all parts of the House. It is important that we lead by example in this place, because there is a wider debate across the country and we have to show that we can debate these sensitive issues in a responsible way.

However, the Government position is that unfortunately this Bill carries a lack of legislative clarity which risks unintended consequences, and the Government are well aware of the complexity of this issue from our own extensive work. I am sure the hon. Member for Brighton, Kemptown will not mind my saying that there have been honest meetings with Ministers and challenges have been discussed, and it is clear that he has wrestled with challenges in his Bill which has gone through various iterations. The Bill as it stands is a genuine attempt to overcome these challenges, but its clauses raise considerable concerns and I will come on to them in detail shortly.

The Government have rightly taken time to carefully consider our own position on these pitfalls and will be publishing a draft Bill on this topic for pre-legislative scrutiny—*[Interruption.]* I am coming on to that. We expect publication to be after the publication of the Cass review, which will be in the coming weeks.

Elliot Colburn: As we have heard throughout the debate, Dr Hilary Cass has said that there is no reason to delay a Bill on conversion therapy; she has said multiple times that there is no reason to await the Cass review to move forward. None of the promises made to bring forward a Bill ever mentioned the Cass review previously. It feels like there are more excuses about why we need to delay this. When was a decision made to now wait for the Cass review, because that is news to many of us?

Maria Caulfield: I welcome that valid intervention. I direct my hon. Friend to the Cass website, which says in frequently asked questions:

"The Cass Review was commissioned as an independent review of NHS gender identity services for children and young people. Its terms of reference do not include consideration of the proposed legislation to ban conversion therapy."

However—*[Interruption.]* If I may finish, it also says:

"No LGBTQ+ group should be subjected to conversion therapy. However, through its work with clinical professionals, the Review recognises that the drafting of any legislation will be of paramount importance in building the confidence of clinicians working in this area."

So the review has found evidence that may influence our conversion practices Bill, which is why we are waiting for the report.

Dame Angela Eagle (Wallasey) (Lab): Does the Minister accept that if the Bill were to get a Second Reading, any of the Government's worries about the current wording could be resolved in Committee? Those concerns are not a reason not to give the Bill a Second Reading today.

Maria Caulfield: The hon. Member for Brighton, Kemptown has made that argument as well, but we feel it is important to get the details right at the start of the legislative process rather than towards the end.

Sir William Cash: Would the Minister be good enough to give some indication of what such a draft pre-legislative Bill would look like? The arguments presented from our side of the equation demonstrate manifestly that it would be impossible for the Bill to overcome its difficulties in relation to criminal law and the like in Committee.

Maria Caulfield: I take my hon. Friend's point. That is why the Government propose to publish our Bill and take it through pre-legislative scrutiny in both Houses before it follows the normal processes in Committee. We will be able to shape the legislation in a way that deals with many of the concerns that have been raised today.

As the House is well aware, this policy area is complex and nuanced. It is clear from today's discussion that colleagues are listening and thinking carefully about the challenges the Government have encountered in preparing legislation in this space, notably ensuring that legislation is clear, balanced and respects freedom of speech, belief and religion, and does not cause unintended consequences for parents, clinicians, teachers or religious groups.

Sir Liam Fox (North Somerset) (Con): Both sides have talked about the harm caused by many of the practices we have discussed, yet there is nothing in the Bill stating that intent to harm should be a prelude to any prosecution. Does my hon. Friend accept that if that were to be put into the Bill, it would remove many of the fears about the net being cast so widely that those who unwittingly cause offence might face such measures?

Maria Caulfield: My right hon. Friend makes a valid point. Some of the fears are about the unintended consequences of this legislation, and I am sure that amendments to the Bill would allay some of those fears. As it stands, although the hon. Member for Brighton, Kemptown has made tremendous efforts to address some of the issues, the level of care and attention required to legislate responsibly means that we need to look at the subject from a wider perspective.

Peter Gibson: We have had so many promises from the Government about bringing this legislation forward—it has appeared in two Queen's Speeches. We were promised the legislation in January 2023, but it is now 1 March 2024. If the Government want the House to debate their legislation, will the Minister publish it so that we can discuss it?

Maria Caulfield: My hon. Friend is right. I have not spoken from the Dispatch Box before about this particular subject, but my colleagues the Minister for Equalities and the Minister for Women and Equalities have been focused on trying to overcome some of the concerns raised today that could stop any legislation, whether it is this Bill or the Government's Bill, getting through both Houses. Time has been taken to address those concerns so that we can come together to legislate against conversion practices.

Dawn Butler: For clarification, is the Minister implying that every time there is a new Minister we start again from day one? Is she able to give a timeframe for the Government Bill—by May, June or July?

Maria Caulfield: As a Government we speak together, but I am just expressing my frustration on behalf of colleagues. I acknowledge that this has taken a long time, and I want to explain why. I tried to indicate earlier that we are expecting the Cass review in the coming weeks, and we aim to publish the Bill for pre-legislative scrutiny very soon after that.

Let me come to the Government's concerns about this Bill and address some of the issues raised. We have concerns about four areas: the proposed definition of conversion practices, the inclusion of the term "suppression", the proposed parental exemption and the territorial extent of the provisions. I will take those in turn.

First, we are concerned that the definition of conversion practices in clause 1 is simply too broad. A conversion practice is outlined as a

"course of conduct or activity".

Even with the provisos that an act must be repeated and underpinned by a predetermined outcome in order to be in scope, that remains a very broadly drawn offence that lacks legislative clarity. The hon. Member for Brighton, Kemptown has produced explicit exemptions in clause 1(2)

to clarify that certain actions are out of scope, but the Government are concerned that those exemptions are insufficient and there remains a risk that some reasonable behaviour would be caught.

Lloyd Russell-Moyle: I do not want to delay the Minister, because we want to get on with this now. She will acknowledge that I twice presented these clauses to the Government. Twice the Government came to me and said, "We will get amendments to you within a week." I agreed that I would accept any Government amendment. Twice the Government came back saying, "No, we don't have any amendments yet for you because we can't find anything that we've signed off." I worry a bit about bad faith, and I hope that if we accepted the amendments that she is proposing, she would be supportive, rather than produce just another list of questions.

Maria Caulfield: I take on board the hon. Member's point, but the final Bill was published only this week. I take on board his point about future amendments should the Bill get to Committee. I appreciate that he intends his Bill to be a framework into which exemptions can be built, but when creating a broad new criminal offence that could be altered in future by powers, we believe that robust protections and scrutiny must come at the beginning of the legislative process, not the end.

Secondly, the risk is further heightened by the inclusion of "suppression" within the scope of the offences under clause 1(2). For example, if a religious leader supports an individual who wants to manage their same-sex attraction in order to align with their individual religious belief, where the individual consensually seeks out religious counselling, this Bill would still criminalise that support. That is just one tiny example of what we mean.

Despite the hon. Gentleman's best efforts to the contrary, the Bill risks creating a chilling effect on clinicians—we have heard some of those concerns today—by positioning healthcare regulation within the context of criminal law. The impact on healthcare professionals may well be the single biggest challenge within legislation in this area. That is part of the reason why we consider pre-legislative scrutiny from the breadth of medical experience available across Parliament in both Houses to be so critical. As I said in response to my hon. Friend the Member for Carshalton and Wallington (Elliot Colburn), that concern is cited by the independent Cass review, the final report of which is expected in the next few weeks.

Our third concern is about the Bill's attempt to exempt parental behaviour in clause 1(2). The Government are clear that parents should be able to have exploratory and even challenging conversations with their children, and it would be absolutely wrong to criminalise them.

Nick Fletcher: I thank the Minister for the help she has given me recently with regard to the issues facing men and boys, which is a subject close to my heart. I am equally supportive of women and girls. Does she agree that this Bill—or any Bill that criminalises free speech—will have a huge effect on women and girls across this country? We will get to a point where parents will be unable to say to their sweet little girl who comes home from school, having seen the abhorrent material in relationships, sex and health education, "No, you're not a boy; you're a lovely little girl, and you're going to grow

up to be a lovely little girl.” Does she also agree that the Bill will put biological males in single-sex spaces, which again is abhorrent, and take away podium places from girls?

Mr Deputy Speaker (Mr Nigel Evans): Order. Interventions should be short.

Maria Caulfield: The point I was making is that parents have a right and that we, when legislating in this area, must be careful to ensure that we do not criminalise legitimate conversations in the family setting. Sadly, we have seen cases—for example, those involving female genital mutilation—where a lack of parental responsibility has led to the abuse of children. We are concerned that, by not covering that in this Bill, there is potential for conversion practices, which could be abusive, to continue.

Alicia Kearns: I am slightly confused, because the Government are saying that this Bill protects parents too much, but those speaking against it are saying that it will criminalise parents. I am not sure where we will go, but I presume that Government lawyers know slightly more than those who are opposing the Bill from the Back Benches.

Maria Caulfield: That is the point I am making: this is a sensitive area, where there are arguments both for and against on all sides. We absolutely believe in parents’ legitimate right and freedom to bring up their children in any way they see fit, but we have to be careful about that tipping into abuse. We have seen that happen, for example with FGM.

Our final concern is about the territorial extent of the Bill. Clause 5 says that it will apply to the entire United Kingdom, which poses issues because, as the hon. Member for Brighton, Kemptown knows, justice is a devolved matter in Northern Ireland and Scotland. Indeed, as many Members here today will be aware, the Scottish Government are currently consulting on their own legislative approach to banning conversion practices. The requirement for the Director of Public Prosecutions to approve any prosecution is at odds with the Bill’s territorial extent, which I would say wrongly covers Scotland and Northern Ireland. The Crown Prosecution Service operates in England and Wales only, because Scotland and Northern Ireland have their own criminal justice systems, which means that the requirement to have CPS approval would not apply there. A separate provision creates equivalent requirements for the Northern Ireland equivalent of the CPS, but there is no explicit provision for its Scottish counterpart. Those are the four main areas where we have issues with the Bill.

Lloyd Russell-Moyle: First, the Minister has to recognise that the Bill will be brought into force in Scotland or Northern Ireland only if there is the consent of the legislators and Ministers in those two places. Secondly, the argument she has just given is legally incorrect, because in Scotland there is already a requirement for the Crown Office and Procurator Fiscal Service to give authorisation for private prosecutions. That is why it is not needed in the law. I would have thought that Government lawyers had told her that in the briefing. It is disappointing that they do not seem to know the law.

Maria Caulfield: I am sorry that the hon. Gentleman feels that way, but we have to be clear about the territorial extent of the Bill. We have concerns about that, because the Bill should relate only to England and Wales, but it does not.

Miriam Cates: The Minister has made an important point about the problems with the requirement for DPP permission, but is there not an even more significant problem with that? Although it seems like a safeguard, in reality—looking at the CPS website—all that means is that a Crown prosecutor has to give permission. Any Crown prosecutor—even an activist Crown prosecutor—could agree to such a prosecution and thus create case law that criminalises parents in future.

Maria Caulfield: We have set out our four concerns, which include the territorial extent of the Bill.

I have set out why the Government will not support the Bill today. I want the hon. Member for Brighton, Kemptown to know that I am really grateful for the work he has done in this space, and I hope that we can continue to work together on this issue, particularly on the legislation. Today’s debate has further highlighted the need for careful consideration before legislation is passed, so that unintended consequences can be avoided. It has also demonstrated the importance of taking action that is balanced and measured in order to protect those at most risk of harm, but also to protect the freedoms and rights of everyone. That is the kind of balance that can be achieved only with bespoke legislation, and although we absolutely pay tribute to the hon. Gentleman, we will not support this Bill.

Several hon. Members rose—

Lloyd Russell-Moyle: *claimed to move the closure (Standing Order No. 36).*

Miriam Cates: On a point of order, Mr Deputy Speaker. There are a number of people left to speak on what is a very important and controversial Bill, and a number of issues have not yet been raised, so I object to the closure being moved now.

Question put forthwith, That the Question be now put.

The House divided: Ayes 68, Noes 15.

Division No. 86]

[1.14 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)

Ali, Rushanara

Bardell, Hannah

Begum, Apsana

Blake, Olivia

Blunt, Crispin

Bradshaw, rh Mr Ben

Brown, Ms Lyn

Brown, rh Mr Nicholas

Burgon, Richard

Butler, Dawn

Byrne, Ian

Cadbury, Ruth

Colburn, Elliot

Corbyn, rh Jeremy

Coyle, Neil

Creasy, Stella

Daby, Janet

Dalton, Ashley

Davies-Jones, Alex

Davison, Dehenna

Dodds, Anneliese

Doughty, Stephen

Eagle, Dame Angela

Efford, Clive

Egan, Damien

Fell, Simon

Freer, Mike

Gardiner, Barry

Gibson, Peter

Green, Sarah

Greenwood, Margaret

Griffith, Dame Nia

Hayes, Helen

Hopkins, Rachel
Jardine, Christine
Jarvis, Dan
Jones, Darren
Jones, Ruth
Jones, Sarah
Kearns, Alicia
Kendall, Liz
Long Bailey, Rebecca
Lucas, Caroline
Malhotra, Seema
McCarthy, Kerry
McDonnell, rh John
Murray, James
Nichols, Charlotte
Nokes, rh Caroline
Oppong-Asare, Abena
Osborne, Kate
Peacock, Stephanie

Pennycook, Matthew
Pollard, Luke
Ribeiro-Addy, Bell
Russell-Moyle, Lloyd
Sambrook, Gary
Shah, Naz (*Proxy vote cast by Dawn Butler*)
Sharma, Mr Virendra
Sobel, Alex
Strathern, Alistair
Sultana, Zarah
Wallis, Dr Jamie
Webbe, Claudia
Western, Matt
Whittome, Nadia
Wragg, Mr William

Tellers for the Ayes:
Christian Wakeford and
Tonia Antoniazzi

NOES

Ansell, Caroline
Braverman, rh Suella
Bristow, Paul
Bruce, Fiona
Cash, Sir William
Cates, Miriam
Chope, Sir Christopher
Fletcher, Nick
Green, Chris

Hanvey, Neale
Hollobone, Mr Philip
Jenrick, rh Robert
Kruger, Danny
Millar, Robin
Philp, rh Chris

Tellers for the Noes:
Dame Amanda Milling and
Mark Jenkinson

The Deputy Speaker declared that the Question was not decided in the affirmative because fewer than 100 Members voted in the majority in support of the motion (Standing Order No. 37).

Debate resumed.

1.28 pm

Christian Wakeford (Bury South) (Lab): I rise to lend my support to the Bill in the name of my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle). I must say how disappointing it is that we have got to a position where it looks like the Bill will not be read a Second time. Due to filibustering by one Member on the Opposition Benches and a lengthy debate, it looks like we will be failing an entire section of the community.

I commend my hon. Friend for the way he has gone about bringing forward the Bill. He joked at the start that the Whips Office thought it could be “batshit”—that may or may not have been me, I don’t know—but he should be thoroughly proud of his approach in introducing it, which was moderate and level. I know his colleagues are immensely grateful to him, too. The Bill represents a crucial step forward in protecting the rights and dignity of the LGBT community across our nation. Put simply, the Government had a problem and this was a way to solve it.

On 6 December, I hosted a Westminster Hall debate on this very issue and I shared the stories of Sienna and Ben. For brevity, I refer colleagues to *Hansard* to see what was debated on that day. Conversion therapy is a barbaric and deeply harmful practice that seeks to change a person’s sexual orientation or gender identity through psychological or religious means. It is rooted in bigotry, prejudice and outdated notions of sexuality,

and it has no place in a modern, progressive society. No one can consent to abuse. In short, the practice is abhorrent and evil, and it needs to end now.

Despite the overwhelming evidence of the harm caused by conversion therapy, successive Governments have failed to take decisive action to outlaw the cruel practice, and they have done so again today. When the right hon. Member for Maidenhead (Mrs May) was Home Secretary, she announced that the Government would do just that, and since then numerous Ministers, including the current Leader of the House, have said that we should ban conversion therapy—no ifs, no buts—yet we are still waiting for that to happen.

That is a stark dereliction of the Government’s first duty, which is to protect all citizens, regardless of their sexual orientation and gender identity, and their right to wellbeing. The Government’s moral wrongs and hypocrisy on this issue are glaringly obvious. Although they claim to support the community and equality, their inaction on conversion therapy speaks volumes and sends a chilling message to LGBTQ individuals that their lives and identities are somehow less worthy of protection and respect. This is a dark day for this place. I hope the Government and the Minister find a way to come forward with amendments. I want us to work in a cross-party manner to address the situation.

We cannot allow vulnerable individuals to be subjected to this harmful practice under the guise of so-called therapy or treatment. By sending my hon. Friend’s Bill to Committee, we could have sent a powerful message that discrimination and bigotry have no place in our society. We could have reaffirmed our commitment to equality, dignity and human rights for all, and finally put an end to the scourge of conversion therapy, but it looks like we have chosen not to do so today. I will have to think about this long and hard on my train journey back north today, and I hope everyone will reflect deeply about what this means for them and for this place as a whole, because we are here to protect individuals.

It is still not too late to pass this Bill, so I urge all Members to stand on the right side of history and support this crucial legislation. Let us come together to protect individuals’ rights and dignity, and send a clear message that love is love. No one should ever be forced to change who they are, who they love and what they believe in. Ultimately, we must end this evil practice now.

1.32 pm

Miriam Cates (Penistone and Stocksbridge) (Con): I will try to keep my remarks brief, because a number of Members still want to get in. I pay tribute to the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle)—who is not in his place—because, as he said, he engaged widely with a range of colleagues. Although he and I have had our moments in this Chamber, which have been broadly publicised, I want everybody to know that behind the scenes we have had some very good, constructive, friendly conversations about this issue. I thank him sincerely for that, and for the very mature and calm way in which he spoke today; I think we would all acknowledge that.

There are a number of issues with this Bill, which have been widely covered by a number of hon. Members.

Robin Millar: Specifically on the point about the way the debate has been conducted, and what I have valued in it, the Minister said that it has achieved in bringing to the surface the issues, complexities and concerns that are preventing—or at least delaying—the Government from introducing a Bill in this House.

Miriam Cates: I completely agree. Despite the wide range of views expressed in the debate, we still have not established what it is that is not yet illegal but should be made illegal. That is why I do not believe this Bill should progress through Parliament. In fact, I do not actually think we can legislate safely in this area at all.

I do not want to rehash other hon. Members' comments, but I have two particular concerns about the Bill and its drafting. First, we have already referred to the fact that a DPP would have to give permission for a prosecution to be brought. On the face of it, that sounds like a sensible safeguard, and certainly it is a good thing that private prosecutions cannot be brought, but from looking on the CPS website, it is clear that the permission of the DPP just means the permission of any Crown prosecutor, and all it would take is for one Crown prosecutor who particularly wants to secure a conviction on these terms to bring that case. Case law would then be made, and then the chilling effect that so many Members have referred to would indeed be achieved for parents, teachers and therapists.

The other safeguard that is very much lacking in the Bill as drafted concerns the ability for a Secretary of State to amend the Bill through a statutory instrument—in other words, a Henry VIII power. A number of Members who have spoken today in support of the Bill support it only because of the particular exemptions for therapists, parents and religious leaders, and those exemptions could be stripped out by a Secretary of State through statutory instrument. That ability to amend the Bill in future beyond all recognition and all agreement of the House in itself makes the Bill unsafe.

My particular concerns are for parents who sadly absolutely could be criminalised under this Bill. I agree that the hon. Member for Brighton, Kemptown has tried hard to create these carve-outs for parents, but if a parent in exercising their parental responsibility is found by a court to have committed an action that counts as conversion therapy, how would that court then find that that parent has been acting in the best interests of the welfare of the child? That seems highly unlikely to me and very likely to lead to parents being prosecuted, or at least to feeling that they cannot speak freely to their children, as they would wish to keep them safe and prevent them from making irreversible decisions.

I am also concerned about therapists. Again, I can see that the hon. Member has made significant attempts to create a carve-out for therapists delivering exploratory therapy and talking therapies, but unfortunately the carve-out includes that a therapist must be acting within the regulations of whichever body they are affiliated to. Unfortunately, the vast majority of these regulatory bodies, including the NHS, have signed up to a memorandum of understanding that essentially means that anything else but affirming a person's gender identity is against those regulations. Again, this exemption, though well meant, unfortunately does not count for anything.

An example of a problem that could be caused came from a lesbian lady I met last year. She told me that she had experienced gender dysphoria since her teenage years. She had sought out a private therapist to help her to come to terms with her own female body and to live happily and successfully as a lesbian woman with a partner. She chose that therapist because they had a predetermined purpose of helping her not to move to a transgender identity. Unfortunately, that therapist, who I think many of us would agree should absolutely be allowed to practise on those terms, would be criminalised under this legislation because of their predetermined purpose to suppress a transgender identity. If such a purpose were made illegal, the lady I spoke to would no longer have access to that kind of therapy. Nobody in this place could really argue that that therapy is harmful. It is fully consensual, and we should not be criminalising those conversations.

Robin Millar: My hon. Friend is being generous, and I commend her on the points she is making, because these are legitimate questions we ask of the Bill. Perhaps she can answer this. It seems to me that in clause 1(1), in the absence of specificity about behaviours and in the reliance on the interpretation in clause 4 of those words “purpose and intent”, in effect we have legislation that is creating a form of thought crime.

Miriam Cates: I absolutely agree. Although Members have spoken about abuse and persistent patterns of behaviour—all of which are certainly serious—the reality is that in the drafting of the Bill, a single act could be brought as a criminal offence. There are not sufficient safeguards in the Bill to prevent that from happening.

For example, let us say that I was a primary school teacher and a girl came to me and said that she felt she was actually a boy and that she had been born in the wrong body. If I said to her on one occasion, “No, actually you are a girl. It is great being a girl”—perhaps she is gender non-conforming in some way, and she thinks that means she is not really female—I probably would not be caught by this Bill. But if I said that to her repeatedly—in other words, if I told her the truth and guided her, as adults should guide children—I very much would be caught by this Bill, especially if I were a gender-critical feminist who had put things on social media that prove that I did not believe in gender identity ideology, for example. Those are exactly the kinds of behaviours that we absolutely cannot criminalise in a democratic and free society.

Parents and children are my principal concern here. In the past two years, my inbox has been full of tragic stories of children, often girls, often same-sex attracted, often autistic, who have been groomed online and often by activist groups, sometimes in schools, into believing that they are actually boys. Sadly, some of these children have gone on to be prescribed puberty blockers, and cross-sex hormones. Some are actively pursuing radical surgery that will leave them infertile, unable to breastfeed, and with medical problems for the rest of their life. It is already difficult enough for parents, teachers and employees to speak out against this ideology. The hon. Member for somewhere in Scotland—

Danny Kruger: Kirkcaldy.

Miriam Cates: Thank you very much. The hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) put the point brilliantly: the backdrop to this debate and legislation is one where gender ideology has very much pervaded our culture and institutions, and that is what parents are battling against. One mother wrote to me saying:

“My daughter began identifying as a boy at age 13, following a presentation by a trans adult in her school (all kept secret). Hers is the classic story: puberty, autistic traits, severe bullying, same-sex attraction.

She was socially transitioned without our consent, and then referred (with our consent) to the Tavistock. The GP later told me she didn’t support medicalisation due to the lack of evidence, but feared for her job if she said so.

In the four years since, I’ve been referred to social services three times for being ‘abusive’ (but deemed each time by social workers to be a loving mother). My daughter’s trans identity has been celebrated at school and ‘supported’ by mainly male teachers—one of whom told her he likes to cross-dress on the weekend. She learned she is 48% likely to attempt suicide, and that her family is committing hate crimes.

This has not been good for her mental health, or ours. My other daughters are 14 and 7. They too have learned about gender identity theory at school, and have been interviewed by social services each time we’re referred.

Our last school, which proudly displayed its Stonewall Champion certificate behind the reception desk, went even further. Every time I had safeguarding questions, they told me about equality, diversity and inclusion and also British Values.

They enrolled my daughter as male, and sent her to secret therapy since I was considered a risk. We have somehow managed to prevent her from accessing irreversible medical and surgical interventions, despite everyone else’s best efforts. The way I would describe my experience as a mother is that my daughter jumped in front of a train, so I jumped in front of her, and got hit by the train.

Intercepting letters from the NHS, being referred repeatedly to social services, and being socially ostracised have been worth it. Buying time has allowed her to go through puberty and consider whether it is autism that makes her feel different. For now at least, she has decided not to pursue more drastic options. If my actions had been criminalised, I don’t think she would have been in the fortunate position she is now: living at home with her loving family, and with her body, fertility and mind intact.”

I have countless other testimonies such as that, which I do not have time to read out now. Some of them are heartbreaking and some do not end in the same way—some of them end with the permanent severing of the relationship between parent and child, with the child taken down a route of permanent harm, against the parent’s best intentions.

Before I finish, I want to make it clear that, unfortunately, at the heart of the Bill is an irreconcilable difference between those of us who support the Bill and those of us who do not. The difference, for those who believe that it is not possible to change sex and not possible to be born in the wrong body, lies in the question: how do we define this concept of transgender identity? I appreciate that the hon. Member for Brighton, Kemptown has referred to a different piece of legislation, the Sentencing Act 2020, but if we read it, we see that it does not attempt to define these terms. It certainly refers to them and talks about them as aggravating factors in assaults, which of course they should be. It tells the courts to take account of whether someone has used some transphobic abuse or referred to somebody as transgender or transsexual during an assault, and says that should be an aggravating factor. However, that is not a definition

of transgender or transgender identity. The truth is that we cannot define it because it is something that is felt. Although people might well feel it very strongly, if it cannot be defined in law, how can we safely legislate for it? How can we ban someone from converting someone to or from transgender if transgender cannot be defined? If, like me, people believe that gender ideology is not based on factual evidence, that we should therefore be telling children that they cannot change sex and that we should be helping them to live happily in their own sex, however they want to dress and whatever hobbies they want to pursue, how can we legislate for it if we do not think it is real? That is the problem at the heart of this Bill, and it is why we cannot safely legislate in this space. It is why we absolutely must not put these contested and unevidenced ideas into law.

1.45 pm

Ms Lyn Brown (West Ham) (Lab): I genuinely thank my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) for bringing forward this Bill. He has behaved in an exemplary way from the very beginning, and his conduct today demonstrates what a worthy proponent he is for this cause.

I will not speak for long. I did not prepare very much because I hoped for a successful closure motion, but I want to put on record my continuing support for a comprehensive ban on conversion practices. As we have heard in many speeches today, conversion practices are simply horrific, and it is utterly disappointing that this Government have, yet again, broken their repeated promises to act on these heinous practices.

What does it say about our politics that Parliament has been denied the chance to act against the heinous abuses we have heard about today?

Neale Hanvey: Will the hon. Lady give way?

Ms Brown: No. Do not try my patience.

I remind all colleagues that protecting the rights of LGBT+ people and advancing equality used to be seen as a shared mission across the House. As I said earlier, I was the Government Whip on the Equality Act 2010, and we worked so hard to pass a law that carefully and cautiously addressed the genuine concerns of those who opposed those measures. There were disagreements but, with real effort, we built cross-party support. I honestly believe that we can do the same with this Bill today.

When we debated the Equality Act, people could see that our common aim was to protect the vulnerable and to help all our communities live better together. Even a few years ago, however much we argued about the detail, most of us believed that progress was being made on equality in the UK and globally. That shared understanding was the basis for the Conservative Government’s welcome pledge to ban conversion practices.

Sadly, it seems that we are losing even the aspiration to work together on improving everyone’s life. Instead, the media narrative and our politics are driven by attempts to stoke division. Frankly, I now get emails from LGBT+ constituents whose understandable emotions are often fear and panic.

I know that the issues we are discussing today are far from simple, and I have received many impassioned messages from constituents with many different views,

which makes it important for us to start with compassion and common sense. I believe that we can find our way through the disagreements and distortions about the scope of the Bill, as we have on many previous equality issues. Given that the Government's agenda has completely stalled, I had hoped that Ministers would make a commitment today to work in good faith with my hon. Friend the Member for Brighton, Kemptown on this Bill but frankly, given today's shenanigans, I am not holding my breath. It could not be clearer that some Conservative Members would rather pursue their politics of divisive culture wars than engage.

I know that many Conservative Members recognise the damage that is being done to our country by all this division, and want to put compassion and solidarity with victims first. That is what I stood for today, that is what I voted for today, and that is why I supported my hon. Friend's Bill.

1.49 pm

Sir Liam Fox (North Somerset) (Con): It is, as always, a pleasure to follow the hon. Member for West Ham (Ms Brown), although I feel that I must correct her on one point. The House was not denied the opportunity to take the Bill forward. The fact is that only 68 Members supported the closure motion: that is the measure of support for it in the entire House.

There has been a fair degree of consensus on a number of issues today. Most important is the consensus that coercive practices which attempt to change by force the legitimate and legal beliefs and practices of any individual in our society have no place in the 21st century. It is worth reiterating that at the outset. It is also, in my view, not for the state to interfere in the non-harmful behaviour of any citizen—including the right to freely express one's sexuality, which, as a doctor, I consider to be simply part of a natural spectrum of human behaviour, and it is worth making it clear that we have a consensus on that as well.

I do believe, however, that we have a duty to protect the vulnerable from undue pressure, from whatever direction and for whatever reason it may come. I strongly agree that we need to protect individuals from undue pressure to express themselves in a way that would be untrue to their natural character, which is not acceptable in a civilised society; but, in the wider debate about trans issues, we must be willing to protect young people from undue influence exerted by those who may have different motivations so that they do not make decisions that might be irreversible and which, with a different level of maturity and experience, they might choose to make differently for themselves.

A couple of contributions have been of particular value. The hon. Member for Gower (Tonia Antoniazzi) talked about the risk of people being drawn inadvertently into the scope of the Bill through behaviour that they believed to be legitimate—for example, challenging young people so that they could gain the benefit of experience, in terms of what their parents might advise them to do. There is also the possibility of the medical profession being inadvertently involved if a practitioner expressed a particular view in private and was then asked to give advice. These are very complex issues.

I pay tribute to the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle), who I think has genuinely tried to get round some pretty immovable

objects when it comes to law in this area, and I am grateful to the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) for reminding us that the debate is about people. It is not about abstract issues; it is about individuals and the impact that it has on their lives, and also how elements, at least, of the medical profession can be just as subject to the whims of fashion in politics as any of the rest of the population.

I am glad that the debate has been conducted, in general, in a thoughtful tone. It could easily have degenerated into what we might call strongly held views or inadvertent self-righteousness, but it did so at very few points. It is a debate that needs to be dealt with in a proper tone, but in the wider debate we have seen too much assertion and too little rational discussion. The best example I can think of is the treatment handed out to J. K. Rowling and her row on Twitter. Of course, our assessments of the volume of the response must take account of the fact that this is the world of the Twittersphere—or the X-sphere, as I suppose it is now—but such vicious, extremely aggressive and often threatening language really has no place in our discourse on serious issues in this country.

What struck me about that intervention was not that the writer herself was not entitled to post her views because of her background—as one critic put it, because “her cis-identity and its majoritarian privileges are overwhelming”. The sinister part was it was not a counter-attack or riposte to the views she had posted, but an attempt to delegitimise her and thus her intervention. Although the Bill will not go forward, I hope that across the House we can understand and agree that, wherever we come from on the political spectrum, we need to make it clear that the views of those like J. K. Rowling are just as legitimate as the views of anyone else. The aim to silence, cancel and delegitimise individual views has no part in proper democratic debate in our country.

The hon. Member for Brighton, Kemptown worked hard to try to get the Bill into a better position, and good law needs to be necessary, clear, effective and enforceable and to avoid unintended consequences. Like many in the House, I am not clear exactly what the necessity is for the Bill, because I did not hear described in any clarity the sort of offences that are not covered by legislation already and that would require yet another piece of legislation. When the Minister comes forward with the Government's legislation, I look forward to its being clear about what exactly we intend to outlaw. We all understand the extreme elements that are the background to the debate, such as violent enforcement and so on. It disturbed me that part of the explanatory notes to the Bill, given to us by the House of Commons Library, said,

“techniques can take many forms and commonly range from pseudo-psychological treatments to spiritual counselling.”

That is where I had real reservations about where we are today and where I felt it was unclear what the necessity for the legislation was.

Lloyd Russell-Moyle: The right hon. Gentleman says he does not understand or has not heard scenarios in the debate that would be covered by the Bill but are not covered by existing legislation. I give him the scenario of an unregulated therapist—that is, someone who is not part of any registered body, of which we have many in this country who do significant harm, and there is

[Lloyd Russell-Moyle]

another debate, possibly, about registering them. That unregulated therapist can take a vulnerable person—to some extent, anyone questioning their sexuality or transgender identity is vulnerable because they are questioning—and repeatedly tell them that they cannot be that, they should be ashamed of that, and they should be disgusted about that. That does not meet a criminal threshold. It might meet a threshold many years down the line of a psychological harm that we will not know. Surely that is a clear example where this Bill, or a Bill like it, would act, but he suggests there are no examples.

Mr Deputy Speaker (Mr Nigel Evans): Order. Again, interventions should be short—I understand the reason.

Sir Liam Fox: If the point the hon. Gentleman makes is valid, it is valid in the other direction, too. It should be wrong and, in his case, criminalised to tell any young person that they are definitely something when they are unclear about what they are. If that is what comes out of our debate today, that is a step forward in the wider debate.

Sir Christopher Chope: Will my right hon. Friend give way?

Sir Liam Fox: I will give way briefly because other Members still want to speak.

Sir Christopher Chope: Does my right hon. Friend agree that the noble Lord Winston put it well in the other place when he said,

“The basic problem is this: we are at risk of legislating for a piece of biology that we really do not understand. We do not understand the underlying mechanisms”?

—[*Official Report, House of Lords*, 9 February 2024; Vol. 835, c. 1847.]

Sir Liam Fox: I would not want to contradict the noble Lord in any way whatsoever, but there are other elements of the Bill that give me cause for anxiety. I know those are part of the reason the Government have found bringing forward legislation difficult. We have talked on both sides of the House about the concept of the harm that could be done by these processes, but there is no test of harm in the Bill. If all forms of conversion therapy covered by the Bill can be harmful, surely it would not be unreasonable to have a test of intent to do harm prior to any prosecution being brought under the legislation, and yet that is not in the Bill. That is a vital part missing from the Bill, because that is about second-guessing people’s intent, rather than any concept of their wishing to do harm. That casts our net far too wide in law.

There are two other points about the drafting. The first is that the use of the term “activity”, as well as referring to a “course” of action, means that a single event—a one-off event, or a one-off conversation—could, if interpreted in a particular way by a prosecutor, bring people within the scope of the law. That needs to be tightened, and I say to my hon. Friend the Minister that if the Government are bringing forward legislation, that is something we need to look at, as is use of the term “suppress” alongside

“orientation or identity...in full or in part”.

Again, this loose language potentially comes unstuck when a parent has a strong and necessary challenge to make against their child in order to give them a different view. It could be interpreted very wrongly if this was the wording of any legislation.

Finally, I will say this: we are here to produce good law in the House of Commons; we are not here to signal to any one part of the population that we are on their side. We have to ensure that the law we produce has the intended effect and that that law is necessary. I hope my hon. Friend the Minister will look at these elements closely in the days and months to come.

2.1 pm

Suella Braverman (Fareham) (Con): I am grateful to have a chance to speak in this very important debate and I thank the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) for introducing this private Member’s Bill.

I noted the references that the hon. Member for West Ham (Ms Brown) made to common sense and compassion, and I share her aspiration for compassion and common sense in this debate. Rightly, we want to ensure that we have compassion and that our laws provide a compassionate level of support for the gay and LGBT community, who deserve to live freely and safely in our country and, indeed, the whole world. I also care about compassion for young people who will be exploring their sexuality, potentially with mental health challenges—vulnerable young people needing the help and support of informed professionals to guide them in a way that does not cause irreversible damage to their bodies, which they may later come to regret. The story of Keira Bell, illustrated very powerfully by the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey), is a case in point. We must have compassion for young people in the situation of Keira Bell.

I have compassion for parents who are trying valiantly to navigate this uncharted territory these days. I have met parents who are struggling, who are upset, and who themselves are depressed and overwhelmed by their teenagers trying to discover their sexuality and suggesting that they want to transition. As parents, they really are in no man’s land and they do not know what to do; they only want to do right by their young children. And I have compassion for teachers, who also find themselves mired in this minefield, not knowing what the guidance is or what the rules are, and who are scared of causing harm inadvertently or, on the other hand, denying legitimate rights.

That is why I welcome the Government’s issuance of draft guidance for schools on how to support gender-questioning children. It is a good start and has come after many years of requests. My personal view is that it does not go far enough and, ultimately, if we are to safeguard the welfare of children properly, we need to totally ban transitioning under 18. If that requires a change in the law, then I cannot think of any better reason to change the law than to support and safeguard young children in those circumstances.

I appreciate those who support the Bill; they are well-intentioned and I share their aspirations. I hate the idea of gay conversion—it is nasty, it is vicious, it is insulting, and it is disgusting that we are even talking about it. I feel sorry for those people who may have

undergone those kinds of approaches and treatments; they did not deserve it. I am proud to live in a country where we support the gay community. I am proud that it was a Conservative Government who legislated for same-sex marriage in 2013. I was not a Member of Parliament at the time but, had I been, I would have voted in favour, because I believe in equal opportunities. Gay people should not be persecuted, discriminated against or victimised just because of who they love.

Let us remember that in many countries around the world, today in the 21st century, it is criminal to be gay—that is a grotesque shame on the society that we live in in this world. Homosexuality is a criminal offence in about 60 countries, half of which are in Africa. For example, the death penalty is legally prescribed as punishment for same-sex sexual acts in Brunei, Iran, Mauritania, Saudi Arabia, Yemen and some of the northern states of Nigeria. In Afghanistan, Pakistan, Qatar, Somalia and the United Arab Emirates, the death penalty could be applied because of a lack of clarity in the law. I abhor that that is the case in parts of the world; that a person could be killed just for being gay.

That is why I am very proud of the protections that this Conservative Government have put into place over the past decade. That includes same-sex marriage—of which I am very proud—and the introduction, by the Ministry of Defence in 2021, of pardons for historical convictions for gay sex offences in the military. That finally brought an end to centuries-old legislation that had previously devastated the lives of many gay men. In 2017, Turing's law gave automatic pardons to deceased men who had been convicted of since-abolished offences. It is very good to hear that there have been hundreds of applications for a formal pardon following the introduction of those measures by this Conservative Government—righting the wrongs of the past, as should be done, and bringing justice, eventually, to those who were wronged.

Yes, we in the United Kingdom have made progress in standing up for gay rights, and I am very proud of that. And I oppose this Bill. I feel obligated to make it clear on the record that I am not transphobic, and I am not homophobic, because I am sure that rising today to make this speech will lead to another barrage of trolling, abuse and hate mail because of the views that I hold. My views are born out of compassion for the gay community, but also compassion for young people; a sincere belief in the immutability and binary nature of sex; and my dearly held views about protecting single-sex spaces for women and safeguarding children. I feel obligated to make that clear today because, sadly, we will all be smeared very quickly after this debate—a sorry indictment of our public discourse on this subject.

I have grave concerns about this Bill, for several reasons. I will not go into them in a lot of detail, because a lot of them have been set out by other colleagues, but I will deal first with the need for the Bill. I have heard what the hon. Member for Brighton, Kemptown has said, but I strongly challenge his reliance on evidence that suggests there is a chronicled, verifiable problem that needs to be fixed by a new law. There is a complete absence of verifiable, quantitative evidence demonstrating that harmful conversion practices are widespread or occurring frequently in this country. I have referred to what is happening, atrociously, in many other countries around the world. Thankfully, those things do not happen in this country.

Ms Brown: Will the right hon. and learned Lady give way?

Suella Braverman: I will not, because of time. There is very little evidence that conversion therapy is a current problem in this country. The various surveys that have been quoted, such as the national LGBT survey of 2017 or the Ozanne Foundation's faith and sexuality survey, have severe shortcomings in their evidence base and the ways in which they were compiled. A police freedom of information request demonstrated that police forces throughout the UK, when asked whether they had received any reports of electroshock treatment or corrective rape between 2010 and 2020, responded with relevant data and confirmed that no police force had ever recorded any such complaint.

Danny Kruger: The other thing that has been cited by the other side is instances of unregulated therapy, which would fall foul of this new law. Is my right hon. and learned Friend aware that the Children's Act 1989 already specifies that therapy, or any practice that is likely to cause psychological harm, is already a criminal offence? Again, even the non-coercive, non-threatening and non-violent abuse, which the other side are trying to criminalise, is already illegal.

Suella Braverman: My hon. Friend brings me to my next point, which he has just made very powerfully. The existing law already protects gay and trans people from verbal and physical abuse, much as he set out. The offensive and abhorrent practices that we are talking about but cannot yet evidence include corrective rape, electroshock therapy, forced marriage, screaming in the face, holding down while praying, threats of physical violence, harassment, coercive or controlling behaviour, and other physical and verbal abuse. However, all such activity is already criminal under myriad laws, ranging from the Sexual Offences Act 2003 to the Protection from Harassment Act 1997. There is a long list, which I do not have time to go through.

Neale Hanvey: I want to make a swift point. A whole range of legislation is in place to manage many of the concerns that have been voiced across the Chamber, and no one is in any way suggesting that we support them—I certainly do not support conversion practices—but any legislation that looks at this has to have absolute precision about what exactly it is addressing. The problem with the Bill is that it is so wide in scope and it replicates legislation that is already in place. We need to look at what the current legislation covers, look for the gap and, if it does exist, then legislate precisely to address the problem.

Suella Braverman: The hon. Gentleman puts that incredibly well. It reminds me of Edmund Burke, who said:

“Bad laws are the worst sort of tyranny.”

Bad laws make bad customs, and in this place we want to avoid good people making bad laws. I am afraid that the coverage by the legislation of all sorts of horrendous behaviour that is being talked about means that there is no good reason for it. It is a bad law.

Peter Gibson: I hear what my right hon. and learned Friend says about existing legislation covering many of the things that this Bill is seeking to protect people

[Peter Gibson]

from. Will she outline to the House what work she did, while at the Home Office, to ensure that sufficient provision, advice and guidance was given to the Crown Prosecution Service and to police forces to ensure that they had the requisite knowledge to deal with such issues under the existing law?

Suella Braverman: During my time as Home Secretary, we issued new guidance on non-hate crime incidents, and it supports many aspects of what we are talking about—not all, but some. We clarified the parameters for such non-hate crime incidents to protect minority groups, to protect the LGBT community, and to ensure that fairness and safety were applied by policing.

The next reason is that the scope of the Bill is incredibly wide, as the hon. Member for Kirkcaldy and Cowdenbeath said. The Bill does not require the defendant to intend any harm to be caused in order for their action to be criminal, which I find incredibly concerning. That will capture so many types of behaviour where there is an innocent or well-intentioned objective and where legitimate practices, whether in the religious, therapeutic or teaching field—or just being a regular parent—will be caught. That might be inadvertent, as we have discussed today, but some things will necessarily be caught by interpretations of some of the clauses.

Lloyd Russell-Moyle: I do not agree with much of what the right hon. and learned Member is saying. She must recognise that we do legislate in the House for things other than harms. For example, we legislate against false advertising. We legislate in other areas to say that people cannot do certain things, even if they do not cause direct harm to individuals, because it is for the social good of the fabric of our society that those things do not happen. Is not the point to say that, when explicit harm is caused, it is criminal and Home Secretaries should have put forward guidance for it to be prosecuted, and where it is not harmful but it is dangerous for our society, we should produce a threshold for that? Is that not the point of the Bill?

Suella Braverman: I agree with the hon. Gentleman to the extent that we have victimless crimes and we have legislation that provides for those kinds of offences, but the Bill runs the risk of causing harm through bad law. I will come on to the point about the potential harm caused by the proposed legislation. As I said, I seriously and strongly challenge the evidence base that the hon. Gentleman relies on to suggest that there is a definable problem that needs to be fixed in this country.

My next point is about the potential harm caused by this well-intentioned but misguided Bill. There would be a disproportionate impact on people of faith. The language of “predetermined purpose” would disproportionately catch people of faith. Many religions—most religions, I would argue—make many claims about the truth, based on a body of teaching to which followers must adhere. In traditional religions at least, any religious advice will be predetermined by that teaching, and that will be communicated to people. A priest, an imam, a rabbi or any leader in one of the major religions who attempts to pray for a member of their congregation who has presented to them with concerns or anxiety

about these issues would be caught by the Bill. There would be a real chilling effect on expression of religion and freedom of religious belief.

Lloyd Russell-Moyle: It is clear in the exemptions that individual prayer is not caught by the Bill, but if Members feel that that is too thinly defined, we could thrash it out in Committee. Can the right hon. and learned Member tell me any mainstream religion whose religious texts say, “You must change your sexual orientation or your transgender identity”? I am not aware of any, so I do not understand why any religion would be caught by the Bill.

Mr Deputy Speaker (Mr Nigel Evans): Order. Before the right hon. and learned Lady responds, I just want to point out that several other Members still wish to participate in the debate.

Suella Braverman: I am being generous with the promoter of the Bill. Listen, we all know that in religious contexts people will pray for all sorts of things about fellow travellers in their faith, so my point stands.

Lastly, because I am conscious that other people wish to speak, I am very concerned about the impact of the Bill on parents, teachers and therapists. I speak not as the Member of Parliament for Fareham, who has met many constituents, including parents who are upset and traumatised by observing what their teenagers or young adults have gone through, but as a mum of young children who are beginning their education in British schools. As a mother, I feel it is my responsibility to do everything—to give my life—for the safety of my children. I would do anything for my children, as I know every parent would. If I were in the position of having my own child presenting with anxiety or presenting questions like this, I would want to support them and I would want them to be happy, but I would also want to direct them in the way that I know best, consistent with my parental authority, educating and teaching them about gender and sex. In my view, in our household, in my family, we believe that a man cannot be a woman; a boy cannot be a girl. That is what I would be telling my children, with the best intentions and from a place of love. If that were to criminalise me, that would be a crying shame and a total undermining of good parenting in this country.

2.19 pm

Nickie Aiken (Cities of London and Westminster) (Con): May I start by wishing you, Mr Deputy Speaker—my fellow Welsh expat—a happy St David’s day?

I want to pay my respects to the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) for introducing this private Member’s Bill. It is a real shame he had to do so. The Government have promised time and again to bring in their own Bill to ban conversion therapy; we have promised it in two Conservative party manifestos, and we have spoken about it in, I think, two Queen’s Speeches. It is important that no one in this country should be made to feel ashamed of who they are. I find it difficult to believe that a practice that seeks to change or suppress someone’s sexual orientation or gender identity persists in some parts of our country.

I know that this practice is an issue. I have to admit that I was sceptical that conversion therapy even existed in this country until a constituent came to see me. She was a lesbian woman who was under so much pressure

to marry a male. She was being forced to go to family events and take part in religious ceremonies, because her family thought she should be able to stop being a lesbian, become a heterosexual and marry a man. The pressure and depression that this woman was suffering made me ashamed to have ever questioned whether conversion therapy exists among some communities in this country. It is imperative that the Government remain committed to protecting people from these awful practices so that they can live their lives free from the threat of harm and abuse.

Nick Fletcher: Will my hon. Friend give way?

Nickie Aiken: No.

I take this issue very seriously, as the LGBT+ community has always been a valued part of the two cities in my constituency. I feel fortunate that my constituency has a rich LGBT+ history. It is home to one of the world's best-known gay districts, our beloved Soho. From hosting the first UK Pride march in 1972, Soho has played an important part in London's, and perhaps the UK's, gay community. It is of huge historical importance; many of the conversations on gay rights started in the same bars and spaces that still line the streets of Soho.

Madam Deputy Speaker—sorry, Mr Deputy Speaker; I am not converting you. [*Laughter.*] I will move swiftly on. I am a 55-year-old woman—I know it is hard to believe—and we have come so far in my lifetime on improving the rights of the LGBT community. I recall a bisexual friend of mine who has lived in the west end for decades remarking that we have come so far in places like Soho. In my lifetime—in the past 20, 30 or 40 years—a gay bar was hidden from view. People had to sneak in. They had to knock on a door, and the windows were boarded up. Today, we celebrate gay bars, and I am sure many of us in this Chamber do quite regularly—[*Laughter.*] I am not saying anything, Mr Deputy Speaker. But seriously, let us also remember the pressure and harm that the LGBT+ community has faced, and perhaps still does face.

Next month, 30 April will mark the 25th anniversary of the bombing of the Admiral Duncan pub in Soho, a beloved venue of Soho's gay and non-gay community. I recall that night, as I was in Soho that Friday evening enjoying a night out. Since that terrible crime, where three people died and 89 were injured, our country has seen important changes in attitudes to gay people and trans people, with huge strides in the improvement of human rights for the LGBT+ community. We have heard today of so many different pieces of legislation and laws that we have brought in, including the Equality Act 2010 and the numerous laws that this Conservative Government have introduced over the past 14 years. We must ensure that we continue to do that.

I absolutely understand the concerns that have been expressed today about how we legislate on conversion therapy. It can be very difficult when someone wants to support a family member through love, perhaps to get therapy, or a teacher is approached. Taking advice and undertaking therapy are very different from coercive practices. The coercion element is key to this Bill, and I hope that, when it is introduced, the Government Bill will aim to enforce that.

We have such an outstanding history of fighting for LGBT+ rights, and it is so important that we continue that narrative. I believe that we must enforce on coercive

conversion therapy practices because that would send a message to all gay people, all people from the LGBT+ community—whether they are starting out on their journey or ending it—that they have the right to be who they are. I compare this type of legislation with legislation on FGM. That has been on the statute book for decades, and we have only just seen prosecutions and, in the past week or so, the first conviction. Was it wrong to have legislation outlawing that heinous practice, whether it takes place here or involves a British citizen being taken abroad to undergo it? It is right that we send a clear message to the LGBT community that we support them and they are not alone, and that we send the message to those who want to coerce and stop them being who they are that they should not do it in this country.

2.26 pm

Paul Bristow (Peterborough) (Con): I congratulate the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) on the very thoughtful way in which he introduced the debate on his Bill.

Any medical or psychological efforts or practices that include violence or coercion to change a person's sexual orientation or gender identity are wrong and already illegal. My primary concern about the Bill is that it could intrude into the legitimate activities and practices of religious groups and faith leaders.

Lloyd Russell-Moyle: Will the hon. Gentleman give way?

Paul Bristow: I will not, if the hon. Gentleman does not mind, as I want to get a few points on the record.

Yesterday, I met local religious leaders from churches and mosques in Peterborough. Like me, they had significant concerns about the Bill and the profound impact that it would have on their ability to offer pastoral care. We spoke for an hour and had a good, constructive conversation about the effects that the Bill could have on them and their family and friends.

It is important to stress that we agree that everyone should be free to live their life, whatever their gender or sexuality, without being persecuted. This is 2024 in Great Britain: no one deserves anything less than the utmost respect and understanding, regardless of their gender or sexuality. However, it is obviously and rightly already illegal to discriminate on the grounds of sexuality or gender, so not only is the Bill unnecessary on one level, but it could have unintended consequences. It risks silencing people for offering honest and good-natured support, often to very vulnerable people.

The Bill also does not comply with protections of the rights to freedom of speech and to religion set out in the European convention on human rights, as has already been said. That was one of the main action points of our meeting yesterday. It cannot somehow become illegal for a priest or an imam to offer advice to a member of their congregation. Obviously, that would be unthinkable.

Christine Jardine: Will the hon. Member give way?

Paul Bristow: I will not, sorry.

I wanted to make that point very clearly. When I sent out my email to that group of faith leaders in my city, I did not understand what sort of response I would get. It is always important for a local Member of Parliament to listen to their constituents and to those who have influence over a large number of them, so I am very grateful to Mohammed Younis of the Darassalaam

[Paul Bristow]

mosque on Alma Road, Imam Mansoor from the Ghousia mosque, Tommy Cooper and David Weeks from the Way Family church in Werrington, and Giles Knight from the Open Door Baptist church. Those people came to that meeting and were very open minded; they wanted to contribute to discourse. Most importantly, they wanted to be able to offer the same pastoral care and support to their flocks.

The other main issue I have with the Bill is that it is too ambiguous and confusing. It is too open to reinterpretation and could be used in a potentially harmful way. For example, if a young man was confused about his gender and sought advice at his local church or mosque, would it be illegal for the relevant religious leader to suggest that he should not go ahead with a gender change? What about a married man who is told by a pastor or imam that he should stay with his wife and remember the promises he made to God? If he explains that he is attracted to another man, would it be illegal to say, “Remember your marriage vows, remember the children you have and remember the promises you made in front of God”? These are the very serious—

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 15 March.

Business without Debate

CONSULAR ASSISTANCE BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 April.

COURTS (REMOTE HEARINGS) BILL

Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

FERTILITY TREATMENT (EMPLOYMENT RIGHTS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 7 June.

ARMS TRADE (INQUIRY AND SUSPENSION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 19 April.

LANDLORD AND TENANT ACT 1985 (AMENDMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 March.

PRISON MEDIA BILL

Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

LOCAL GOVERNMENT (PAY ACCOUNTABILITY) BILL

Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

CHILD CRIMINAL EXPLOITATION BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 March.

St Helier Hospital Improvements and New Hospital: Sutton

Motion made, and Question proposed, That this House do now adjourn.—(Rebecca Harris .)

2.32 pm

Elliot Colburn (Carshalton and Wallington) (Con): It is a pleasure to have the opportunity to raise in this House my local hospital, St Helier Hospital, once again, and of course the delivery of a new hospital in the London Borough of Sutton. A rudimentary search of *Hansard* tells me that I have mentioned this over two dozen times, so I am grateful to the House for indulging me once again. Indeed, it was just one week ago last year that I had an Adjournment debate on a similar topic.

I committed a year ago that as soon as the new hospital was built and St Helier upgraded, I would stop banging on about it. I reconfirm that commitment here today. St Helier Hospital is not just close to my heart; it has a long history. It has been a vital part of the community long before it saved my life, long before it saved the life of my family and my partner in recent years, long before the new hospitals programme or covid, and long before I was born. In fact, as I have said in this Chamber before, the hospital is older than the national health service itself. It opened in the early '40s during the second world war. Soon after opening it was bombed in an air raid, but remained open and operational. It has served generations of our local community, including my own family. Through my constituency work as a Member of Parliament and as someone who used to work for the NHS before I was elected, I have seen the fantastic work done by St Helier Hospital, the Epsom and St Helier University Hospitals NHS Trust, and the wider NHS.

I take this opportunity to place on the record my sincere thanks and gratitude to the fantastic NHS staff, who do such a fantastic job in keeping my constituents healthy. They are an example to us all, and I know at first hand how good their care is, often in the toughest of circumstances. It is about the work not only of our doctors, consultants and nurses but of all the other healthcare professionals, as well as the support of admin staff, porters, cleaners, pharmacists—I am so glad we are starting to recognise how amazing pharmacists are—and many others who help keep the NHS moving.

I mentioned earlier that I never miss an opportunity to mention St Helier. Indeed, my first mention of it was in my maiden speech, in which I praised the Government's commitment to deliver over half a billion pounds' worth of investment in the hospital, and to build a new hospital. I would like to do so once again today. Before being elected in the last general election, I campaigned to improve healthcare by protecting St Helier and building a second state-of-the-art hospital in my borough. I am thrilled that, despite what some people might say, it is this Conservative Government who are delivering that vital project. Some people's lack of recognition of the work that has been done so far is appalling. They should be supporting any positive progression in our local healthcare. Our staff, our patients and my constituents deserve an improved St Helier Hospital that will continue to be there for them and, indeed, a second brand-new hospital to deal with the most complex cases.

To properly discuss St Helier and the need for this vital work, it is important to go back and look at the background. In July 2017, the trust began a comprehensive engagement exercise on the long-term future of the trust's healthcare services. Years of work followed with the local clinical commissioning groups—the predecessors of integrated care boards—in Merton, Sutton and Surrey Downs, which led to a formal consultation being launched in early 2020, when it was proposed that the trust would take ownership of the consultation and the delivery of a new hospital as part of the Building Your Future Hospitals programme, with work starting on an outline business case.

Throughout the years, and throughout covid, the work continued. In May 2023, the then Secretary of State, my right hon. Friend the Member for North East Cambridgeshire (Steve Barclay), announced that the Building Your Future Hospitals programme would be fully funded and completed by 2030. The trust has been very quick to get on board and be ready to go at a moment's notice, and it is eagerly awaiting confirmation while progressing with some of the work that need to be done in the interim. The trust has recently received the excellent news that it will get additional fees for 2023-24 from the new hospital programme, and hopes to have confirmation of the fees for 2024-25 shortly.

The trust is already doing great work, at pace, to deliver parts of the programme on an accelerated timescale, and I understand that a final decision on the next financial year's fees will be made alongside consideration of the business case later this year. I join the trust in hoping that it is confirmed as part of an early cohort of schemes, because it has already demonstrated how ready it is to go. However, some of the work that needs to be done in earnest includes land acquisition from the Royal Marsden Hospital, junction improvements, site demolition and the like. This is an issue that I will come back to later.

I fully understand the difficulties that exist with St Helier's current site and the difficult situation facing the hospital. I can reassure my constituents—I know that the NHS trust wants to reassure people, because we see such an old building that is struggling to cope with delivering modern healthcare—that St Helier is progressing and pushing ahead with much-needed maintenance. As I have said, much of the St Helier estate is older than the NHS. In fact, 90% of the buildings are older than the NHS, and every year the trust invests millions of pounds to try to address the urgent challenges and improve the building and facilities, to ensure the environment is safe for patients and staff. A small fortune is spent each and every year on maintenance, and it becomes harder and harder as modern medical practices demand more sophisticated technologies.

That serves to highlight the vital need of this project and why we need to move at pace. Epsom and St Helier are ready to fully mobilise as soon as their fees are agreed and approved, and it is vital to fully spell out what this will mean for local residents. The programme will deliver a brand-new, state-of-the-art specialist emergency care hospital in Sutton. It is simply not true to say that St Helier is closing; in fact, quite the opposite is true. The project will upgrade the existing infrastructure at Epsom and St Helier hospitals. That means that we will have not one but two hospitals in the London Borough of Sutton. It will represent the largest healthcare investment in our local area for decades, replacing

[Elliot Colburn]

outdated infrastructure and attracting new staff to face down the challenges that are currently plaguing our local hospitals.

The new specialist emergency care hospital will provide critical emergency care, acute medicine, paediatric and childbirth services to the 15% most complex and sickest patients in the borough, while the remaining 85% of services will continue to be provided at Epsom and St Helier hospitals. That means that, despite all the times in the past when other Governments before us considered closing St Helier Hospital and getting rid of A&E and maternity, we finally have a plan that keeps all those services within our borough.

I will say once again for the benefit of those listening that this is a brand-new hospital in our borough, alongside a new and improved St Helier Hospital. That is incredible news for local patients, but we have to get on with it. Some incredible work has been done already to prepare the site at Sutton. Other work includes the recent refurbishment of B and C blocks at St Helier Hospital. Nothing could put it better than a recent Care Quality Commission inspection of services at Epsom and St Helier, which highlighted how difficult the infrastructure is for the patients cared for there and the staff delivering that care. It recognised the need for investment in the infrastructure. I am glad the Government have met that commitment, but we need to let the trust move as quickly as possible, because it is ready and raring to go. We must meet its ambition. I take the opportunity to invite the Minister, who is in her place, any Minister from the Department of Health and Social Care or the Secretary of State, to come and visit the trust, look at the site in Sutton, and see how excited the trust is and what amazing plans it has.

My right hon. Friend the Prime Minister confirmed at the Dispatch Box last June that the Government were fully committed to the new hospital programme, and that “the Department is working closely with the trust to make sure that we can progress work as soon as possible, and we expect the new hospital to be delivered by 2030.”—[*Official Report*, 14 June 2023; Vol. 734, c. 295.]

I would very much like to receive that same reassurance today. The trust has been working within the constraints of what it can do so far, but, as I want to hammer home, it is ready to go at pace. I sincerely hope that we can match the trust’s ambitions. I hope that the Minister can update me or, perhaps when she is in a position to do so, write to me to confirm when the 2024-25 fees will be announced, which are fundamental to the preparatory works needed to deliver the new hospital. I hope she can reassure me that those fees will be substantial enough to fully allow the trust to move at pace, as it is ready to begin delivering these projects.

The trust is so excited, as are my constituents and I, about what this means. I cannot stress enough how many times there has been a question mark over the future of the hospital—at least our A&E and maternity services. We now have a plan, which was developed by our NHS colleagues and funded by this Government, to prevent any of that from happening. In fact, it is the largest investment in our local healthcare in decades. The trust is ready to go. We need to ensure that we deliver the finances and the infrastructure to allow it to do so. We can see progress this year, as the trust has a

plan to deliver that visible progress, so I sincerely hope that I can tempt the Minister and her Department with that visit.

I look forward to continuing to work with the Department, and I must say how constructively it has worked with me and my constituency neighbours when we speak about how much we want the programme to be delivered at pace. I thank the Department for that, and I hope that the Minister can give me some good news that the Government are equally excited to ensure that the project continues at a very quick pace.

2.44 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Dame Andrea Leadsom): I congratulate my hon. Friend the Member for Carshalton and Wallington (Elliot Colburn) on securing this debate. I assure him that the Department is also very excited about this project. He is a tireless campaigner for healthcare in his constituency, and I know he has advocated for this new hospital on many occasions. I am delighted that the trust has done an amazing job of decreasing backlog maintenance year on year across its sites, particularly at St Helier Hospital.

We are working closely with Epsom and St Helier University Hospitals NHS Trust on its plans for a new specialist emergency care hospital in Sutton as part of our new hospital programme. The trust is currently preparing its refreshed outline business case, supported by the new hospital programme team, to ensure that its plans are aligned with the national approach to standardisation, are deliverable and, of course, provide value for taxpayers’ money.

The plans for the new specialist emergency care hospital will include a new major emergency department, acute medicine, emergency surgery, critical care for intensive monitoring and paediatric care, as well as both midwife-led and consultant-led birth units. However, 85% of care will still be delivered at Epsom Hospital and St Helier Hospital.

Elliot Colburn: I could kick myself for forgetting to mention that we have not only those incredible services but a brand-new working partnership between the Royal Marsden, an incredible cancer hospital that we are very lucky to have in Sutton, and the specialist emergency care hospital. We can provide more and improved services for cancer patients with the two trusts working closely together.

Dame Andrea Leadsom: I am grateful to my hon. Friend for highlighting the importance of working across specialties to deliver the best possible care.

I am delighted that the trust continues to work collaboratively with the programme on developing designs for its new hospital scheme, following our national approach to standardisation, Hospital 2.0, through which we will see the most benefits from economies of scale and efficiencies.

The scheme had received more than £23 million in development funding by the end of the 2022-23 financial year. This funding has supported the trust’s activities to prepare for main construction, including the vacation of blocks at St Helier ready for demolition, and a new electronic patient record system that will be implemented next year. In the current financial year, we have released

over £1 million in fees to support the trust to develop its business case for early works to prepare the site for main construction.

Part of the funding is for a programme of demolition and groundworks to prepare the Sutton site, which we expect will start later this year, as well as to ensure that vital utilities are available at the new site, including power upgrades and junction improvements. I assure my hon. Friend that Ministers are committed to keeping him updated as further funding is released.

I am pleased to note that the trust has received additional funding from national programmes in recent years, including £7.3 million allocated for the relocation of services from the new Epsom and Ewell cottage hospital and The Poplars to Epsom General Hospital. The construction is complete and has been patient ready since August 2023. The trust previously received £6.1 million for A&E upgrade works at both Epsom Hospital and St Helier Hospital, to improve flows through the emergency departments by increasing A&E capacity and capability.

I take this opportunity to provide a general update on the new hospital programme and the ambitious work it has been undertaking. I am very pleased that four of our new hospitals are now open to patients: the Northern Centre for Cancer Care; the Royal Liverpool Hospital; stage 1 of the Louisa Martindale, also known as the 3Ts Hospital, in Brighton; and the Northgate and Ferndene

Hospitals in Northumberland. A further four hospitals are expected to be opened by the end of the next financial year: the Salford Royal major trauma centre, Dyson Cancer Centre, the National Rehabilitation Centre and Midland Metropolitan University Hospital. A further 18 hospitals are either in construction or have early construction activity well under way or completed to prepare their sites. That includes surveys and crucial work on non-clinical infrastructure, such as energy centres, demolition and car parking. The programme will deliver facilities that are at the cutting edge of modern technology, and we are engaging with clinical staff to ensure we are providing them with a better working environment, enabling increased efficiency, promoting staff wellbeing and improving retention.

I thank my hon. Friend for his continued engagement on his new hospital scheme. I know that my ministerial colleague with responsibility for the programme, Lord Markham, is arranging to meet him and other colleagues to discuss the new hospital plans in more detail. I appreciate how tirelessly he campaigns for his constituents, and I assure him that we are committed to delivering the new hospital for Epsom and St Helier University Hospitals NHS Trust by 2030.

Question put and agreed to.

2.50 pm

House adjourned.

Written Statements

Friday 1 March 2024

CULTURE, MEDIA AND SPORT

Leveson Inquiry: Variation Notice

The Secretary of State for Culture, Media and Sport (Lucy Frazer): This is a joint statement with the Secretary of State for the Home Department.

As Ministers with joint responsibility for the Leveson inquiry into the culture, practices and ethics of the press, today, under section 20(7) of the Inquiries Act 2005, we have decided to vary the final restriction order (FRO) issued by Sir Brian Leveson on 29 November 2012. This variation, at the requests of the claimants, will allow documentation provided to the Leveson inquiry to be disclosed for the purposes of the legal proceedings following the claims brought against Associated Newspapers Ltd by Baroness Lawrence of Clarendon, Elizabeth Hurley, Sir Elton John, David Furnish, Sir Simon Hughes, Prince Harry, the Duke of Sussex and Sadie Frost Law.

The following documents will therefore be disclosed for the purposes of the legal proceedings:

Daily Mail ledger cards recording payments to private investigators.

The Mail on Sunday ledger cards recording payments to private investigators.

We do not consider that it is necessary in the public interest to withhold these documents from any disclosure or publication and have decided to vary the FRO so as to allow the disclosure of these documents solely for the purposes of the proceedings. In this case, in our judgment, the public interest in promoting the just, speedy and economic resolution of the proceedings outweighs the countervailing public interests.

A variation notice has been shared with the parties to the legal proceedings, and published on gov.uk.

This decision makes no comment on the merits of the proceedings, which is wholly a matter for the courts to determine.

[HCWS303]

LEVELLING UP, HOUSING AND COMMUNITIES

Levelling-up Measures: Update

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove):

Introduction

It is now a decade since the launch of the northern powerhouse, an ambitious programme to catalyse growth in our great northern cities and rebalance the UK's economy away from an overdependence on London and the south-east. It symbolised a step change in our commitment to turn the tide to ensure the potential of Liverpool, Manchester, Sheffield, Leeds, Liverpool, Newcastle, Bradford and communities across the north.

Building on this foundation, the levelling-up White Paper articulated a strategy to level the playing field, by spreading opportunity more equally to realise the potential of every person and every place across the UK.

And we are delivering against this strategy to drive growth and support change across each nation, with total levelling-up funding to date of more than £2.9 billion for Scotland, more than £2 billion for Wales (plus a further half a billion to secure the future of Port Talbot's steel industry), and nearly £1 billion for Northern Ireland.

Progress through collaboration

Our levelling-up fund has been a multi-billion-pound catalyst to level up the UK, turning aspiration into action, with over 270 projects funded to date. For example, in Bolton, £20 million will support the delivery of the Bolton Institute of Medical Sciences, a pioneering education and skills facility that will train 3,000 students annually and provide a direct route for learners into healthcare careers. In Sunderland, £20 million will fund a construction skills academy to teach local people modern methods of construction, as well as build new sustainable housing in the city. And in Leeds, £20 million will support the Connecting West Leeds project, improving transport links between communities, especially for walking and cycling, and making the city's roads safer.

We are restoring the social and cultural fabric of our communities through the community ownership fund by securing the future of over 250 venues across the United Kingdom.

Innovative examples of how this funding is being used include the Margaret Haes riding centre in Holcombe, Bury, which received £172,000 to purchase the site to secure its future and to expand the facilities it offered, including an art hub, a holiday lodge for people with disabilities, and venues for community and cultural events. And in Oldham, the Oldham Boxing and Personal Development Centre (OBPDC), received £550,000 to secure the long-term future of its home, Victoria House—a century-old former billiard hall that was semi-derelict when the OBPDC occupied it in 2013. The funding will also help the OBPDC to significantly extend its programme of elite and community boxing classes, wellbeing activities and personal development services for young people at risk.

Our levelling-up partnerships are delivering tailored regeneration plans in places like Hull, where funding is being used to support the city's transition from medieval trading port to a modern hub for renewable energy. And in Middlesbrough, where we have invested in Middlesbrough College to increase access to training in high-demand sectors, new public health centres, a new arts centre to rejuvenate the high street, and projects to tackle housing needs and crime.

We are also driving innovation in our city regions across the UK, through our programme of 13 investment zones, with each area benefiting from funding of £160 million over 10 years, including south and west Yorkshire, Greater Manchester, Liverpool city region, and the north-east, and 12 freeports spanning the UK, including Teesside, Liverpool, Humber, and east midlands, generating billions in investment, creating thousands of jobs and opening new avenues for growth.

But we know that our approach must be grounded beyond funding to empowering communities to forge their own path towards economic and cultural regeneration. This evolution is epitomised by the £1.1 billion long-term plan for towns programme and our commitment to regenerate 20 places made in the levelling-up White Paper.

Empowering local leadership

True levelling up is only realised through strong local leadership, with devolution giving our towns and cities the tools and freedoms they need to unlock social and economic opportunities over the long term.

The convention of the north celebrates the great strides we have made in fulfilling our ambition that every corner of England that wants a devolution deal should have one, and that those with one can strive to build on their role and deepen their powers over time.

As things stand, nine in 10 people in the north—some 14 million people—live in an area with a devolution deal established or in implementation, up from about two-thirds before the White Paper was published.

In May, we look forward to people in the north-east and York and North Yorkshire, as well as the east midlands, going to the polls to elect new mayors with significant powers and funding.

Today, we have confirmed that West Yorkshire, South Yorkshire, and Liverpool city region are eligible for level 4 devolution and will now proceed to implement level 4 agreements with these areas.

We are also committed to continuing discussions on level 4 devolution with Ben Houchen in the Tees Valley after the mayoral elections, and we continue to unlock new flexibilities for Andy Street in the west Midlands. We also want to go further, expanding devolution where possible, including with areas like Cumberland and Westmoreland and Furness; and Leicester, Leicestershire and Rutland.

I am delighted to support these great leaps forward in securing further powers and funding for mayoral combined authorities, to unlock decision making by those who know their places best and boosting accountability to citizens. The north now has a national platform and a strong cadre of regional leaders, who will have the ability to deliver integrated transport networks, match training to employers' needs, and confidently work with investors, backed by long-term funding settlements.

Vision for the future

Building on the foundations set since the White Paper, we continue to drive our levelling-up agenda: revitalising and regenerating our great cities and towns across the north through cultural, educational, and economic development to create vibrant, sustainable communities. We are investing—using HS2 savings—£19.8 billion across the north and £9.6 billion across the midlands in transport projects. Last week, we extended this successful model to all local authorities in the north and midlands through the £4.7 billion local transport fund, providing the first transport budget of its kind for our smaller cities, towns and rural areas.

Today, I am announcing the details of the £20 million levelling-up partnership with Blackburn with Darwen. Investment will revitalise heritage buildings into modern cultural venues, including King George's Hall, Imperial Mill and The Exchange. We listened to local people and the reopening of the much-loved Tony's Ballroom will preserve its place in northern soul music history, while creating a new arts space bringing communities together. While our investment in cyber skills will prepare the young people of Blackburn with Darwen for employment opportunities of the future.

In Blackpool, £90 million of regeneration investment will transform deprived areas of the town by bringing forward new high-quality homes. This significant funding will complement our existing skills and jobs investments, including supporting the "Multiversity"—a state of the art further education campus—and "Blackpool Central"—a £300 million leisure development—as part of our plan to work with local leaders to unleash Blackpool's potential and restore pride in place.

Building on our work to date with Bradford and Cheshire east, DLUHC, DfT and Homes England will provide masterplanning support for Bradford's southern gateway and support Cheshire east to revisit their vision for Crewe post-HS2 to maximise the development opportunities and investor confidence.

Working in collaboration with Leeds City Council and West Yorkshire Combined Authority, we are committing to the comprehensive regeneration of Leeds through the announcement of our Leeds transformational regeneration partnership and will shortly publish a document setting out the vision for a decade of city centre growth and wider prosperity in Leeds. Together, Government and local partners will unlock the delivery of up to 20,000 additional homes in Leeds. I can also announce that we have agreed final plans for West Yorkshire's investment zone, which will drive innovation and growth of health tech in the region, drawing on existing strengths in the life sciences, and digital and technology sectors. Infrastructure investment of over £50 million will accelerate delivery of key initiatives including: the refurbishment of Leeds' old medical school to unlock 4,000 square metres of innovation space and create a life sciences and digital health science park; the development of digital technology innovation assets in the Bradford knowledge quarter; and specialist clinical teaching and research facilities at the £250 million national health innovation campus in Huddersfield. With a further £25 million revenue funding, the investment zone will deliver a new regional accelerator and three place-based incubators, create a sector-specific skills offer and strengthen the innovation ecosystem by providing enhanced access to finance and business support to grow spin-outs, start-ups and existing businesses. The investment zone has already unlocked over £25 million of investment from pioneering health tech companies and will support further significant private-sector investment. Taken together local partners expect these proposals to create over 7,300 jobs in the region.

In Sheffield, we are supporting the city's ambition to deliver 20,000 new homes in its urban core, through £67 million of brownfield, infrastructure and land funding by Homes England to secure brownfield land for two city-centre catalyst sites, capable of delivering more than 1,300 new homes (supporting circa 2,000 new city centre residents) and over 4,000 square miles of new commercial/community floorspace. This investment will complement existing funding through the brownfield housing fund to transform a former brewery into 550 new homes and levelling-up fund investment in new leisure facilities at Parkwood Springs urban country park.

And we are confirming Liverpool as one of our priority places for regeneration, marking a new era of partnership working between Government, the combined authority and the city council. We are supporting the vision set out in the Liverpool strategic futures advisory panel report with £31 million in Government funding to support an initial suite of regeneration projects.

Conclusion

Reflecting on our progress to date, our continued commitment to collaboration and partnership ensures that no person or place is left behind.

By working together, we can harness the full potential of every region, transforming our ambitious vision into a tangible reality for all.

[HCWS304]

Ministerial Corrections

Friday 1 March 2024

JUSTICE

Criminal Justice Bill (sixth sitting)

The following are extracts from the sixth sitting of the Public Bill Committee on the Criminal Justice Bill, on 11 January 2024.

Laura Farris: The point was made about a person having a difficult experience of litigation against the Home Office, and we heard the example of the high-profile case related to the effect of an Ofsted inspection; there could be a number of other scenarios. I think we have to look at clause 11(1)(b) when we are thinking about those. We are not considering simply whether the perpetrator is said to have done an act that is capable of encouraging self-harm. By the way, I think that when that is considered by the court, it is not going to include something unpleasant that makes a person feel terrible and leads them to a bad place. That is not the purpose of the clause. **In the context of this legislation, “encouraging” has to mean a direct incitement.**

[Official Report, Criminal Justice Public Bill Committee, 11 January 2024, Vol. 743, c. 163.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my response to the speech by the hon. Member for Birmingham, Yardley (Jess Phillips).

The correct information should have been:

Laura Farris: The point was made about a person having a difficult experience of litigation against the Home Office, and we heard the example of the high-profile case related to the effect of an Ofsted inspection; there could be a number of other scenarios. I think we have to look at clause 11(1)(b) when we are thinking about those. We are not considering simply whether the perpetrator is said to have done an act that is capable of encouraging self-harm. By the way, I think that when that is considered by the court, it is not going to include something unpleasant that makes a person feel terrible and leads them to a bad place. That is not the purpose of the clause.

Laura Farris: We are also creating two offences to do with the installation of spycams, which I am afraid we see more and more of in cases going through the courts: an offence of installing, adapting, preparing or maintaining equipment with the intention of taking or recording intimate photograph or film; **and an offence of supplying for that purpose.** To be clear, it will not be necessary for the image to have been taken; if equipment was installed for that purpose, that is enough to meet the requirements of the offence.

[Official Report, Criminal Justice Public Bill Committee, 11 January 2024, Vol. 743, c. 166.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: We are also creating **an offence** to do with the installation of spycams, which I am afraid we see more and more of in cases going through the courts. **It is an offence** of installing, adapting, preparing or maintaining equipment with the intention of taking or recording intimate photograph or film. To be clear, it will not be necessary for the image to have been taken; if equipment was installed for that purpose, that is enough to meet the requirements of the offence.

Laura Farris: One of the challenges in adopting a definition of “intimate” that includes, for example, the removal of a hijab is that we are creating a criminal offence of that image being shared. It would not be obvious to anyone in this country who received a picture of a woman they did not know with her hair exposed that they were viewing an intimate image and committing a criminal offence.

[Official Report, Criminal Justice Public Bill Committee, 11 January 2024, Vol. 743, c. 168.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my response to the speech by the hon. Member for Birmingham, Yardley (Jess Phillips).

The correct information should have been:

Laura Farris: One of the challenges in adopting a definition of “intimate” that includes, for example, the removal of a hijab is that we are creating a criminal offence of that image being shared. It would not be obvious to anyone in this country who received a picture of a woman they did not know with her hair exposed that they were viewing an intimate image and **if they shared it would potentially be** committing a criminal offence.

Criminal Justice Bill (eighth sitting)

The following are extracts from the eighth sitting of the Public Bill Committee on the Criminal Justice Bill, on 16 January 2024.

Laura Farris: Around a quarter of all homicides in England and Wales are classed as domestic. In other words, the perpetrator is a partner or former partner of the victim.

[Official Report, Criminal Justice Public Bill Committee, Vol. 743, 16 January 2024, c. 257.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: Around a quarter of all homicides in England and Wales are classed as domestic. In other words, the perpetrator is **a partner, former partner or relative of the victim.**

Laura Farris: We have also introduced a new statutory aggravating factor for murders involving gratuitous and excessive force, sometimes referred to as overkill. That

is something that Clare Wade found to be strikingly prevalent in **not only** domestic murders, **but all the cases she assessed**.

[Official Report, Criminal Justice Public Bill Committee, 16 January 2024, Vol. 743, c. 258.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: We have also introduced a new statutory aggravating factor for murders involving gratuitous and excessive force, sometimes referred to as overkill. That is something that Clare Wade found to be strikingly prevalent in domestic murders.

Laura Farris: A new mitigating factor will apply in cases where the victim of an abusive partner or family member has killed their abuser, in recognition of their experience as a victim of abuse preceding the killing, which is **exactly** what happened in the Sally Challen case. **This is consistent with the conclusion of the Court of Appeal—it is essentially taking the court's conclusion and making it a statutory mitigating factor.**

[Official Report, Criminal Justice Public Bill Committee, 16 January 2024, Vol. 743, c. 258.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: A new mitigating factor will apply in cases where the victim of an abusive partner or family member has killed their abuser, in recognition of their experience as a victim of abuse preceding the killing, which is what happened in the Sally Challen case.

Laura Farris: It is well known that this is the Ben Kinsella amendment, which Jack Straw introduced in 2007 in response to a campaign fought very passionately by Ben's sister, Brooke, and his family.

[Official Report, Criminal Justice Public Bill Committee, 16 January 2024, Vol. 743, c. 266.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: It is well known that this is the Ben Kinsella amendment, which Jack Straw introduced in **2010** in response to a campaign fought very passionately by Ben's sister, Brooke, and his family.

Criminal Justice Bill (10th sitting)

The following are extracts from the 10th sitting of the Public Bill Committee on the Criminal Justice Bill, on 18 January 2024.

Laura Farris: We have strengthened the statutory guidance to require agencies to consider discretionary management under MAPPA in all domestic abuse cases. In the last reporting year, we have seen a 30% increase in the take-up of that offer. For that reason, we consider it appropriate to put it in the Bill.

[Official Report, Criminal Justice Public Bill Committee, 18 January 2024, Vol. 743, c. 301.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my speech.

The correct information should have been:

Laura Farris: We have strengthened the statutory guidance to require agencies to consider discretionary management under MAPPA in all domestic abuse cases. In the last reporting year, we have seen a **37% increase** in the take-up of that offer. For that reason, we consider it appropriate to put it in the Bill.

Laura Farris: I thank the shadow Minister for his speech and for supporting the clause. In answer to his final criticism that we have abandoned women and girls, the Serious Crime Act that created the offence of coercive, controlling behaviour received Royal Assent in February 2015.

[Official Report, Criminal Justice Public Bill Committee, 18 January 2024, Vol. 743, c. 304.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my response to the speech by the hon. Member for Stockton North (Alex Cunningham).

The correct information should have been:

Laura Farris: I thank the shadow Minister for his speech and for supporting the clause. In answer to his final criticism that we have abandoned women and girls, the Serious Crime Act that created the offence of coercive, controlling behaviour received Royal Assent **in March 2015**.

Laura Farris: In answer to the hon. Lady's question, in the data we have, which is from 2022, 566 people were convicted of coercive control, and it is estimated that, as she suggested, around 200 would be serving 12 months or more and would have been eligible for MAPPA management. We simply make the point that the MAPPA framework is used for the most serious offenders; whether it is a sexual, violent or terrorist offence, people qualify for MAPPA if their sentence is one year or more.

[Official Report, Criminal Justice Public Bill Committee, 18 January 2024, Vol. 743, c. 304.]

Letter of correction from the Under-Secretary of State for Justice, the hon. Member for Newbury (Laura Farris):

An error has been identified in my response to the hon. Member for Birmingham, Yardley (Jess Phillips).

The correct information should have been:

Laura Farris: In answer to the hon. Lady's question, in the data we have, which is from 2022, 566 people were convicted of coercive control, and it is estimated that, as she suggested, around 200 would be serving 12 months or more and would have been eligible for MAPPA management. We simply make the point that the MAPPA framework is used for **the most serious sexual, violent and terrorist offenders, and those convicted of violent offences must have received a sentence of 12 months' imprisonment or more to qualify.**

WRITTEN STATEMENTS

Friday 1 March 2024

	<i>Col. No.</i>		<i>Col. No.</i>
CULTURE, MEDIA AND SPORT	19WS	LEVELLING UP, HOUSING AND	
Leveson Inquiry: Variation Notice	19WS	COMMUNITIES	19WS
		Levelling-up Measures: Update	19WS

MINISTERIAL CORRECTIONS

Friday 1 March 2024

	<i>Col. No.</i>		<i>Col. No.</i>
JUSTICE	5MC	JUSTICE—continued	
Criminal Justice Bill (10th sitting)	7MC	Criminal Justice Bill (sixth sitting)	5MC
Criminal Justice Bill (eighth sitting)	6MC		

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**not later than
Friday 8 March 2024**

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