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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

## OFFICIAL REPORT

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UUP	Ulster Unionist Party

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# House of Lords

Friday 9 February 2024

10 am

*Prayers—read by the Lord Bishop of Bristol.*

## Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill [HL] Second Reading

10.06 am

Moved by **Baroness Burt of Solihull**

That the Bill be now read a second time.

**Baroness Burt of Solihull (LD):** My Lords, I am very grateful to all noble Lords who have given up their Friday to attend Second Reading. I will be referring to the LGBT+ community as a whole, but in the light of recent events I ask noble colleagues to be respectful when referring to trans people. We must remember they are people who struggle with discrimination in their lives, and that their families and friends who love them are also affected by the words of politicians.

My aim for today is to tease out the arguments but, because of the high number of colleagues wishing to speak, I would be very grateful if noble Lords could resist the temptation to repeat points already made by other colleagues.

**Noble Lords:** Oh!

**Baroness Burt of Solihull (LD):** I knew your Lordships would like that one.

The Bill is deliberately couched in general language so we can build on the discussion today and bring forward amendments to make it stronger and more acceptable to more colleagues and external groups.

First, we need to define what we mean by conversion therapy because, in reality, it is not therapy at all. As defined in my Bill, conversion therapy is any practice with the predetermined purpose of changing or suppressing a person's expression of their sexual orientation or gender identity. These practices are based on the belief that there is a right way to behave and live your life.

According to the Government's own research, 7% of LGBT+ people in the UK have undergone or been offered conversion therapy. For trans people, this escalates to one in seven. The experts agree—this is confirmed by a thorough government research review—that conversion therapy does not work, because a person cannot be cured of their sexual orientation or gender identity. It is not a lifestyle choice but something innate; it is who, and what, we are.

What the practices do achieve, however, is deeply harmful to the recipient. It was summarised eloquently by the UN Independent Forensic Expert Group, which concluded that:

“All practices attempting conversion are inherently humiliating, demeaning and discriminatory”,

and that they

“generate profound feelings of shame, guilt, self-disgust, and worthlessness”.

The consequences can be grave. One 2020 study found that people who had undergone conversion therapy were twice as likely to have suicidal thoughts, and 75% more likely to plan a suicide attempt than the general population. We cannot leave the LGBT+ community unprotected against these harms for any longer.

In 2018, Theresa May recognised this, receiving cross-party support when she promised a ban. More than five years on, however, we are still no closer to making that a reality. I am particularly looking forward to hearing what the Minister has to say because it is in her Government's gift to help the Bill to progress. After five years of dither and delay, it is well overdue.

Many people have written to me with their concerns, and I expect we will hear some of them repeated in the Chamber today. I want to address these as best I can. I thank everyone who wrote to me, as well as the professional bodies whose expertise I have leaned on. At the heart of this issue, I think most of us agree on an awful lot. I believe there is a great deal of consensus that it is wrong to try to force anyone to be something they are not.

As I see it, there are four themes of objections to the Bill: from those who fear their right to free speech will be lost; from religious practitioners who fear they will be criminalised for preaching and teaching that LGBT practices are wrong; from professionals who work with people who may be questioning their sexuality or gender identity, like psychiatrists and teachers; and from parents who fear they will not be able to talk to their children openly about these issues. When you boil it all down, these all raise the same question: where do we draw the line on what is criminalised? When does a conversation become a conversion practice?

There are many people—particularly young people—who may be wondering about themselves. It is not always straightforward to understand your sexuality or gender identity, and grappling with these topics can be confusing and even distressing. What these people need is not a cure, but space—and support—to work things out. This may take the form of speaking with a trusted adult, like a mentor or counsellor, to explore their own feelings in a non-judgmental way.

However, the difference between that and conversion therapy is that the latter has a predetermined goal to change that person. I want to make it clear: my Bill will not criminalise these sorts of open conversations in any way, nor will it tell people what to think or what to say. Freedom of speech and religious freedom are important cornerstones of any liberal society. As a Liberal Democrat, I have always championed these values, and the last thing I would want to do is to unduly curb anybody else's rights. Noble Lords are free to say what they believe: the rules on free speech are the same here as anywhere else in British law. Noble Lords are entitled to express an opinion, just not to coerce somebody else into agreeing with them and changing their behaviour as a result.

[BARONESS BURT OF SOLIHULL]

My little Bill team and I had an excellent meeting with the right reverend Prelate the Bishop of London last week, who used the phrase “good prayer”, putting the pastoral needs of the person first, accepting them for what they are, and not trying to push one’s own beliefs of who the person ought to be. Yesterday, the Church of England issued a new briefing and reflection on conversion therapy. It is excellent and I urge anyone with concerns in this area to have a look. The Church of England, the Methodist Church, the Quakers, the Hindu Council and the Buddhist dhamma centre have already supported a ban.

We see it in the medical field, too. Through a memorandum of understanding, all major psychological therapy professional bodies in England, alongside the Royal College of Psychiatrists, the Royal College of GPs and NHS England, have agreed a set definition of conversion therapy—the same one we have adopted in the Bill. That is why, before any attempt to prosecute, the Bill would require police to demonstrate both action and motivation to be present.

I appreciate that these are complex topics, which I look forward to exploring in detail in Committee. I am very open to any amendments which do not undermine the effectiveness of the ban. It must be comprehensive, clear and inclusive of all LGBT+ people. I hope we can find it within ourselves to come together this morning to find a way forward, to deliver the change that the LGBT+ community so needs.

10.16 am

**Lord Forsyth of Drumlean (Con):** My Lords, it is a pleasure to follow the noble Baroness, whom I have very considerable respect for. However, in nearly 40 years in Parliament, I have never seen a more badly drafted or dangerous piece of legislation. It consists of two clauses. The noble Baroness said that the key issue is where you draw the line. She is absolutely right about that. Unfortunately, the Bill does not draw the line. Clause 1(2) says:

“Conversion therapy is any practice”.

What does “any practice” mean? How is that defined? Does “any practice” include a parent not supporting a child’s decision to dress as a member of the opposite sex? The noble Baroness shakes her head, but where does the Bill say that? In her speech, she said there were all kinds of understandings of provisions, but it is not there in the Bill, and she is asking us to support it. The Bill refers to:

“any practice aimed at a person or group”—

so that includes children? Would parents saying to their children, “You must not take puberty blockers” find themselves on the wrong side of the law? This is an extraordinary suggestion. Would trying to prevent surgery or medical interventions which would be irreversible be “any practice”? The language of the Bill says,

“any practice aimed at a person”—

ie, children—

“or group of people which demonstrates an assumption”.

Are we now going to criminalise people for thinking things? That is what “demonstrates an assumption” means. The Bill goes on:

“that any sexual orientation or gender identity is inherently preferable to another, and which has the intended purpose of attempting to ... change a person’s sexual orientation or gender identity”.

What exactly is gender identity? That is not included in the Bill. I notice that the Scottish Government currently have a consultation document out, in which they attempt to define gender identity. Their definition is:

“an individual’s personal sense of being or belonging to a particular gender or genders, or of not having a gender”.

That is the definition, and we are expected to criminalise people on the basis of something which is so fluid and not defined in the Bill.

The noble Baroness said that this is not about attacking free speech. Of course it is an attack on free speech if parents do not feel they can give guidance to their children. It is an absolute basic duty of parents to give guidance to their children and to prevent them from suffering any harm. The Bill criminalises advice given in good faith.

I noticed that the Bill also applies to Scotland. The Scottish Government have a consultation document out at the moment. In this Bill, the penalty for telling your child not to take puberty blockers, or whatever they are, is

“a fine not exceeding level 5”—

that is, an unlimited fine. I suppose we should be grateful for that, because in Scotland they are proposing seven years in prison. The world has gone mad.

In this House, we normally introduce legislation to fix a problem, not to create new ones. This Bill undermines the family and attacks free speech, freedom of thought and even religious belief. It is a dangerous, crude piece of legislation in a hugely complex and controversial area that is not suited to private legislation. It has all the characteristics of something written on the back of beer mat after an unruly discussion in a pub. I very much oppose it. I know we have a convention in this House not to vote against Second Readings, but were we to divide on it, I would certainly kill it now, for it is a dangerous thing that brings great discredit to this House and Parliament as a whole.

10.21 am

**Lord Winston (Lab):** My Lords, it is always a huge pleasure to follow the noble Lord, Lord Forsyth, even when I deeply disagree with him. I congratulate the noble Baroness, Lady Burt, on the Bill. Unfortunately, rather like the noble Lord, I feel there are so many flaws in it that I have to say I have great concern about the way it is worded and how it would work in practice. I recognise that the Bill is the result of a huge amount of work. I have produced two or three of my own Private Member’s Bills in this House over many years, and I remember how much detail has to go into them and how many discussions one has, but I feel there are too many flaws in this Bill to let it slide without being at least pretty critical of it.

I remember first becoming aware of the danger of ever being involved publicly with any aspect of transgender issues, for fear of being called homophobic. I feel quite concerned about that, because I received very serious threats when I discussed gender many years

ago in the press. I think I was the first person—certainly in Britain and probably in Europe—to treat ladies of the same sex with in vitro fertilisation; that is to say, they were lesbian couples. Yet we could not tell anybody that they were lesbian couples, because we knew that, if we did so, phone tapping was already available and those people would be identified. It was some years before we explained what we were doing, because there was so much concern about sexuality, which was always in the press—as there is now with this subject. So one must be very careful how one words what we say in this House, for reasons of being thought to be prejudiced. There is no prejudice in my mind about this.

The issue of sexuality is extremely curious. Some time in the 1980s—I do not remember exactly when—a couple of colleagues of mine and I started to look at the metabolism of human embryos in culture when they are completely invisible, at day 2. What we found was completely extraordinary: male embryos were more active in their metabolism of sugar substrates than female embryos. We were very puzzled about that. We were so concerned that the data was probably ridiculous and sloppy that we felt that we could not publish it, so we did not; we thought it would be ridiculed. Now, there is new data coming through with more sophisticated work showing that the thing we refused to publish initially was probably correct, and we might have had a world first. Again, that sensitivity about sex was there even in that decision about publication, and that is worth thinking about.

When you start looking at the data on transgender, the problem we very much have is that far more is not known than is known, and the definitions are extraordinarily difficult. I could refer to any number of papers, but one by Ristori and Steensma is good; it has a big review of about a thousand different cases that have been published. The incidence itself is a problem: it is assessed in that paper as being likely to be about one, two or five—[*Interruption.*] Oh, my medical practitioner is calling me because I am in pain. I apologise; my phone should have been off. I have a problem with my hip and cannot walk. I struggled to get into the House this morning, but I felt that this was an important debate to speak in. Forgive me.

When I look at this subject, I can see that there so many doubts. For example, the incidence is not very clear. In fact, the incidence seems to change from childhood to adulthood. At the highest level, perhaps 25% of people who really want to be transgender go on to be transgender—actually, it is far less than that who do so. Secondly, it is very clear from my own practice in reproductive medicine that a number of people who have had transgender procedures have deep regrets when they are in the post-menopausal stage of life, so much so that they occasionally become deeply depressed. It does not happen often, and of course most of the time we can see clearly that there are many people who are completely happy with their new gender assignment. But that is not invariable, and we do not understand that.

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. We

do not even have the figures to know how common this is, and we do not know the follow-up. None of the papers looking at the incidence have followed up patients for long enough to get a clear view of what is really needed. Therefore, any kind of legislation putting this into law is wrong. What we might want to do is to call for research. We can argue that, rather than having a regulatory authority for human fertilisation and embryology—which is now completely unnecessary, because there are ways of doing that—we could certainly consider a statutory authority for this sort of treatment. There is so much more to understand and learn in following up these patients, so that would be very useful. But it would be quite wrong for us to pass this Bill, and I cannot see that any serious amendments would help it progress.

10.27 am

**Baroness Featherstone (LD):** My Lords, it is always a pleasure to follow the noble Lord, Lord Winston.

If my family, the state or the Church were to insist that I be homosexual, but I am not homosexual, that would be not only ridiculous but clearly detrimental to both my physical and mental well-being. But that is, effectively, what conversion therapy seeks to do in reverse, and what the Bill seeks to stop: practices that work to cure, change or remove an individual's rights over their own feelings and sense of themselves. An intervention, the purpose of which is to make LGBT people averse to their own natural feelings, is dangerous and cruel.

During the coalition, I was a Home Office Minister and Equalities Minister for two years under Theresa May. During that period, I was both the originator and architect of the same-sex marriage law, and I also produced the first transgender action plan in the United Kingdom. I worked extensively with both the LGB and T communities, as well as the religious communities. I have some issues with some of the religions, which in my view have quite a lot to answer for. I had an article published in the *Telegraph* in which I wrote, accurately, that the Church did not own marriage. The torrent of emails I received the next day were a salutary example, not of love, charity and hope, but of the hatred and vitriol that the LGBT community bear on a daily basis. All manner of hideous bile against homosexuality rained down on me: how I was undermining marriage and how people would marry dogs, tables, their relatives or multiple human beings, among many other absurd missives. My message in the article about love, acceptance and compassion, and my plea not to polarise the debate, clearly never landed.

The great organised religions of the world went into overdrive. Cardinal Keith O'Brien said on the "Today" programme:

"If marriage can be redefined so that it no longer means a man and a woman but two men or two women, why stop there? Why not allow three men or a woman and two men to constitute a marriage?"

Within a year, he had to resign after allegations of inappropriate sexual activities alleged by three priests and one former priest. There were many leading religious institutions and religious leaders who said the most hideous, vile and unkind things about homosexuality.

[BARONESS FEATHERSTONE]

I bring this to the Chamber because, although this is a measured debate and my noble friend has introduced it in a measured way, in the secret recesses of our land and other lands conversion therapy can be a hideous process. I received multiple death threats. However, since same-sex marriage came into being, I have to say that the world is still turning—apparently.

I worked very closely with the trans community to produce the first trans action plan ever in this country. At that time—this was 14 years ago—trans was barely heard about. It had not yet become a punchbag as part of the culture wars, and the action plan was largely focused on access to medical care because there was so little in place for that community. I have never met a community so vulnerable and up against what must be one of the hardest situations to find yourself in. It is a community that needs to be supported, not vilified.

Because the changes that may be made during gender transition are so serious, it is right for us to ensure that care is taken, particularly when a child presents as gender dysphoric. There is no legal surgery in this country before the age of 18, but it may be the case that puberty blockers are beneficial for a boy who is definitely trans and who will later become female, so that he does not have to later face the issues of having gone through puberty and having developed the masculine features which later will be so challenging for him in his new identity.

There is a genuine and great need for services to support young people who are expressing gender dysphoria. It is a great shame that the Tavistock clinic failed in its duty—and fail it clearly did. However, the desperate need remains, and the current provisions are nowhere near good enough. Developmental psychotherapists who can work with children who need proper support absolutely must be available. With something as fundamental as your very being, that means sessions every week over whatever period is needed. Such a developmental psychotherapist, or other appropriate care support, is there not to advocate for or against anything but to hold that child safe until they find their own way forward, without bias, prejudice or pre-conceived rights or wrongs, and without the influence of religion, societal norms or anything else—just the best interests of the individual, their well-being and mental health.

I am so glad that my noble friend Lady Burt won the ballot and was able to bring forward this important Bill to stop the hideous and dangerous practice of conversion therapy.

10.32 am

**Baroness Noakes (Con):** My Lords, I know that there is an advisory time limit of five minutes but this Bill raises very significant issues, so I hope that noble Lords will allow me a little more time than that. I thought that my noble friend the Whip on the Front Bench would like early notice of that.

I believe that we should apply stringent tests to any new legislation, particularly when criminal offences are created. There needs to be clear evidence of a problem, legislation has to be necessary to deal with it,

the drafting must be clear and unambiguous, and the new law must avoid other harms. I believe that the Bill does not pass any of these tests, but I will concentrate my remarks on only the first test: namely, the evidence base for the Bill.

The Government have certainly tried to be evidence-based in their LGBT policies. In 2015, they commissioned an evidence review by the National Institute of Economic and Social Research, which said that

“the evidence base for an effective assessment of inequality and relative disadvantage by sexual orientation and gender identity is deficient and has major gaps”.

The Government then organised the National LGBT Survey in 2017, which got a lot of responses. The survey found that a very small proportion, 5%, had been offered conversion therapy and that an even smaller proportion, 2%, had actually undergone it. The respondents were a self-selected sample, which has obvious problems, and the survey did not define what conversion therapy was—a problem that we continue to face with this Bill—nor did it define what constituted being “offered” conversion therapy. The best that we can say about this survey is that it is interesting.

In 2021, the Government published three more studies. One tried to correct for some of the problems with the LGBT survey by weighting some of the data. It could not, of course, correct for the underlying problems of the survey, and so we might conclude that this study too is at best interesting.

The Government commissioned Coventry University to conduct a research review and a qualitative study. It reviewed 46 pieces of research in order to determine what forms conversion therapy takes and who experiences it. The vast majority of these pieces of research were North American studies, and only two came from the UK. If you go into the report’s annexes, you find the problems that Coventry University identified with most of the research that it reviewed. This included a lack of randomised controlled trials, reliance on retrospective self-reporting, self-selecting samples, and the use of a wide variety of conversion therapy methods without differentiating between them.

What did this research survey find? Not very much. The much-trumpeted finding is that there is no evidence that conversion therapy is effective at changing sexual orientation or gender identity. This is not relevant to the Bill. We do not ban something because it does not work unless it is itself harmful—to which I will return. The review found that no studies dealt with effectiveness in the context of gender identity, hence its conclusion—that there is no evidence to show that conversion therapy does not change gender identity—is best ignored.

The report also says that there is

“an increasing amount of quantitative evidence that exposure to conversion therapy is statistically associated with poor mental health outcomes”.

That sounds important, but the report explicitly found no causal connection between the two. This issue of causation is important, because there is considerable evidence that LGBT people in general have poorer than average mental health, and no attempt has been made anywhere to identify the impact of this.

The qualitative study was undertaken to identify the outcomes of conversion therapy. Coventry University interviewed just 30 people, including six who identified as transgender or non-binary, of whom three said that they had been offered conversion therapy. More than two-thirds of this sample said that they were Christians and 93% were white, and so the sample is both tiny and demographically challenged. From this base, the report highlights self-reported harms from conversion therapy. However, the detailed findings contain a somewhat grudging concession that one-third reported benefits from conversion therapy. So there we have it. From a rather flimsy research base, there is no evidence that conversion therapy actually causes harms, and while there are some reported harms from the tiny sample of 30, there are also reports of benefits.

Lastly, the Government Equalities Office produced a report which supplemented the Coventry research and concentrated on the differences between conversion therapies aimed at sexual orientation and those aimed at gender identity. This adds nothing of substance to the other studies. The small print records that there is next to no evidence on gender identity conversion therapy other than in relation to self-reported harms.

I must also refer to the findings of a survey carried out by the Ozanne Foundation in 2020; I anticipate that some noble Lords might refer to it. It reported some startling findings, including that conversion therapies had included beatings and rape, which are of course already criminal offences. Freedom of information requests to police forces have unearthed not a single documented case of violent conversion therapy in the past five years. Like other reports, it suffered from many methodological problems, including self-selection, incomplete reporting and retrospective reporting. It was demographically unrepresentative and quite simply does not constitute robust evidence.

I do not believe that there is a sound evidence base for the existence of a conversion therapy problem, let alone the harms that might be associated with it. The fact that LGBT lobbyists assert that there is a problem does not constitute evidence on which responsible legislators can rely. I know that, if the noble Baroness, Lady Burt, seeks to progress this Bill into Committee, many noble Lords, not all of whom are due to speak today, will want to engage closely in that process.

10.40 am

**Baroness Butler-Sloss (CB):** My Lords, unlike the noble Lord, Lord Forsyth, and the noble Baroness, Lady Noakes, I support this Bill for LGBT+ people. It can be improved, and I hope it will be improved in Committee, but I have a rather different take on this issue.

I chair the National Commission on Forced Marriage. We have taken evidence from across the United Kingdom and discovered family members forced into marriage across a spectrum of society and not limited to non-white communities. Among some families, having a gay member of the family is unacceptable and contrary to custom and their religion. In some cases, steps are taken to bring that family member into line; we have evidence of this. In some communities, it is a matter of family honour; as they see it, the errant member brings

shame on the family within their community. In extreme cases, it can lead to injury or death by defying the family, the community and what is seen as the family's honour.

Some families arrange a marriage with a person of the opposite sex without consent; that is a forced marriage. Another method is conversion therapy. A family member is subjected to efforts to require him or her to accept that a sexual orientation outside the so-called normal heterosexual relationship is deviant and not acceptable, thereby requiring a change in his or her sexual orientation or the suppression of their sexual orientation.

Freedom of speech is part of our way of life, subject only to necessary statutory restrictions. Everyone has a right to their beliefs, religious or otherwise, but there is no right to impose one's beliefs on another person, including one's children. My children have widely differing views, and I dare not tell noble Lords about my grandchildren.

I agree with the noble Lord, Lord Forsyth, about puberty blockers. I do not believe that they should be allowed before the age of 18, but that is a different matter.

It is crucial to distinguish between well-meaning efforts to discuss an issue and the line being crossed by coercion. There are occasions, especially with teenagers, when a person is unsure about his or her sexuality; the noble Baroness, Lady Burt, referred to this. Discussions should be able to take place with parents and other responsible adults to explore where that unsure person stands. If a person has real difficulty in coming to terms with his or her sexual orientation, there is absolutely no reason for them not to seek and/or receive healthcare, including therapy from qualified providers. That is not conversion therapy, of course.

If the discussion is open and unpressurised, I cannot see how it could possibly become an offence under the Bill. However, if there is an assumption that it is wrong or a sin to be LGBT+, and the discussion has the intention of coercing the person into a different point of view, it has gone too far and would fall within the offence in this Bill—rightly, in my view.

As we all know, children and young people are particularly vulnerable. I can see nothing wrong with an open discussion on the issue of sexual orientation with a young member of the family, but if it moves to coercive behaviour, that is clearly unacceptable. It is important to recognise that parents have responsibility for their children naturally and, although some might not realise it, in law until the age of 18. They do not, however, have the right to impose their beliefs or views on their children. This Bill, as I hope it will be amended, would help LGBT+ people be protected from unacceptable efforts to make them conform to a heterosexual way of life that does not conform with their sexual orientation.

10.45 am

**Lord Robathan (Con):** My Lords, we have all been contacted by many people about this Bill, so I have been looking at it to understand it. Physical abuse, detaining somebody against their will and assault are already illegal, so what is the Bill about? What is it for?

[LORD ROBATHAN]

To explore this further, I read a *Times* article on 1 February—last week. It should have clarified the situation. Others will raise more points in detail but I will concentrate on the article, which purported to clarify the situation. The headline reads: “Conversion therapy? It must be banned. I should know”. The journalist, Emily Sargent, who is gay, “went undercover to try it and was shocked by the damage it did”. In brief, she was paid to write this article and, in pursuit of remuneration, she lied and said to a therapist that she was unhappy about being attracted to women. All the sessions were on Zoom. I quote the article:

“When I logged on to our first Zoom call the woman—whom I will call Carol—appeared to be a harmless-looking, middle-aged lady in a cosy, middle-class home”.

It quickly changed. She says:

“The process ... quickly became destabilising. I dreaded the sessions, which were making me feel wrung out and depressed”.

She could have stopped.

Emily was also horrified to be asked about her sexual relationships—these were six counselling sessions about sexual relations—and about her relationship with her parents. That is pretty standard for psychologists, of which more later. She then says that she felt “exploited”. One might ask who was exploiting whom: Carol, whom Emily called “empathetic and gentle” and who had been asked to give counselling, or the journalist who deceived her, was paid for the article and could have switched off Zoom at any time?

Emily Sargent concludes:

“There is no doubt that a ban on these practices is wildly overdue”,

but she does so without any evidence in her article that I can see. Personally, I am against banning things just because someone does not like them—as, indeed, I am against pointless legislation.

We are also told that the therapy does not work. The Library briefing says that, in a government survey of 108,000 LGBT people, fewer than 3,000 had undergone this therapy—presumably all voluntarily. So what is the problem that the Bill wishes to solve? I note the BMA’s briefing, which I will read from now. The BMA says that it “strongly supports” the Bill and that:

“Talking therapy is recognised as a legitimate clinical pathway to those questioning their gender identity or sexual orientation. Such therapy is typically explorative and patient led, and thus cannot be seen as seeking to suppress or deny an individual’s understanding of their gender identity or sexual orientation”.

It concludes, rather illogically, that it wishes

“to ban conversion practices in their entirety”.

I ask again: what is the purpose of the Bill? Is it to ban talking therapy, which the BMA calls “a legitimate clinical pathway”, or is it to ban physical assault, which is already banned and illegal? It seems to me, I am afraid, to be purely virtue signalling to placate a very small, outraged minority who think that their choice of lifestyle must never be questioned or discussed, however gently, by parents or anyone else.

I would like to conclude on a lighter note; I find it amusing, although others may not. Some 43 years ago, when I was young, I did SAS selection. At the beginning, Derek, who was running the course, said to me, “Andrew, somebody in the MoD has been persuaded that we can identify potential SAS officers

using psychologists. You have been chosen”. So I filled in a long questionnaire, then met a man who asked me lots of questions. I had just trained a dog and had put that down as an interest, so we talked a lot about it. After some 20 minutes, he suddenly said, “You haven’t mentioned your mother”, to which I replied, “But you haven’t asked me about her”. At the conclusion of the selection, Derek told me that the psychologist had said I was totally unsuitable and could not possibly pass selection. The lesson I drew from that was: what do psychologists—or indeed therapists—know?

10.49 am

**Lord Paddick (Non-Aff):** My Lords, let me be clear where I stand on a couple of issues before I start. Among other subjects, I studied philosophy of mind and philosophy of religion at university. I studied the latter because I was and am a Christian. I am also a twin and, reading John’s Gospel, along with Thomas, I said:

“My Lord and my God”—

on the evangelical side, you understand.

At university, we examined the essence of personal identity. We concluded that the mind, not the body, is what makes someone the person that they are. A person disfigured beyond recognition is still the same person, but some who suffer serious head trauma, for example, change personality. A friend in Australia experienced this, describing his husband as “not the person I married”. A transgender man who honestly believes their female body does not reflect their true identity should be considered a man; their mind and not their body is the essence of their identity. That is my honestly held belief.

Like the noble Lord, Lord Winston, and my noble friend Lady Featherstone, I have received threats and abuse from both sides for even expressing an opinion on the subject, for even meeting those on both sides of the argument—so much for free speech.

Al Gore, the former Vice-President of the United States, once described climate change as an inconvenient truth. That is how I view my Christian beliefs set against my homosexuality. I believed that, with God’s help, I could be happy in a heterosexual marriage. I married Mary with genuine intentions to live together until death parted us. However, what I believed was achievable with God’s help turned out to be my version of Paul’s thorn. Eventually, I had to accept the way that God had made me, and my wife, who has been a great support to me ever since, accepted that as well.

But I still suffer from low self-confidence and self-esteem as a result of people constantly telling me I was not good enough just because I am gay. My parents told me that homosexuality was abhorrent, so I felt I could not even discuss it with them. I was bullied at school because of it. My police colleagues targeted people like me, and my church told me it was sinful. Being constantly told that you are not good enough, that there is something wrong with you, that yes, God made you a loving, caring, sensual individual but you cannot love the person whom you truly love because they are of the same sex damages you. Conversion therapy is an intense version of the same thing.



By all means, have an open discussion with someone about who they are or who they are attracted to, if that is what they want, without judgment and without blame, where the question, “Are you sure you’re straight?” is as valid as, “Are you sure you’re gay?”. It should not be a conversation designed to steer someone in one direction or another, to ensure that they conform with what the other person in that conversation wants them to be. If someone cannot be objective about gender identity and sexuality because of their own honestly held beliefs, they should not be having that conversation.

I was a young police sergeant in Brixton when I took pity on two frozen female officers who were on foot patrol one night. I gave them a lift in my police car. They were whispering to each other in the back seat, and I asked them what they were talking about. One of them said to me, “Sarge, why don’t you just be yourself?” It changed my life. There is nothing more limiting, more damaging, more inauthentic, than trying to be something or someone you are not. How many times do we criticise others for not being genuine? Yet conversion therapy is designed to do just that—to stop someone being genuine. Hence my joke, “I hate actors because they are constantly trying to be someone they are not”.

Of course, some people may be unhappy with their gender identity or sexuality, but the first question to those seeking help should be, “If your family, your friends, your religion, society generally, completely accepted you and loved you for who you are, would you really want to change?” As the noble Baroness, Lady Burt of Solihull, said, we should be concentrating on helping people to accept themselves for who they are, not forcing them into being something that they are not. This Bill as drafted may not be the answer, but something needs to be done to prevent lasting harm, damage that begins in childhood, as the noble and learned Baroness, Lady Butler-Sloss, has said.

10.55 am

**Lord Sandhurst (Con):** My Lords, my concern is safety and well-being, living in a free and fair country. As it stands, this Bill will apply to acts which cause no injury or distress and even to acts to which the recipient has consented. It applies across the range of life and in the home. The Bill will criminalise expressions of personal conviction made without expressions of hatred or intolerance, improper purpose, coercion or abuse of power. That is a wide-ranging interference with fundamental rights.

To take an example, a 15 year-old teenage girl informs her gender-critical parents that she wishes to change gender. She repeatedly asks her parents to support her request for puberty blockers. They refuse and seek to persuade her otherwise. This could demonstrate their assumption that a particular gender identity is inherently preferable. It could demonstrate that they seek to change their child’s gender identity and that they seek to suppress expression of that gender identity. It would leave them vulnerable to prosecution. The Government’s 2021 conversion therapy consultation paper explained that

“our existing criminal law framework means no act of harmful physical violence done in the name of conversion therapy is legal in this country”.

Therefore, we do not need to legislate for physical coercion.

I turn, all too briefly I fear, to the interim report of Dr Hilary Cass. It is absolutely essential reading. It shows the dangerous waters in which this Bill swims. First, as she reminds us, sex is biological, determined by anatomy, while gender is a social construction. In the short time available, gender issues are my focus today. I will give some direct quotations.

Dr Cass writes:

“there is a lack of agreement ... about the extent to which gender incongruence in childhood and adolescence can be an inherent and immutable phenomenon for which transition is the best option for the individual, or a more fluid and temporal response to a range of developmental, social, and psychological factors ... staff have told us that they feel under pressure to adopt an unquestioning affirmative approach and”—

I emphasise this—

“that this is at odds with the standard process of clinical assessment and diagnosis that they have been trained to undertake in all other clinical encounters”.

Dr Cass writes:

“many of the children and young people presenting have complex needs, but once they are identified as having gender-related distress, other important healthcare issues that would normally be managed by local services can sometimes be overlooked ... Evidence on the appropriate management of children and young people with gender incongruence and dysphoria is inconclusive both nationally and internationally. ... A lack of a conceptual agreement about the meaning of gender dysphoria hampers research, as well as NHS clinical service provision”.

Discussing sex hormones, Cass reports that

“the long-term risks and side effects are well understood. These include increased cardiovascular risk, osteoporosis, and hormone-dependent cancers ... given the irreversible nature of many of the changes, the greatest difficulty centres on the decision to proceed to physical transition ... Decisions need to be informed by long-term data on the range of outcomes ... The NICE evidence review demonstrates the poor quality of these data, both nationally and internationally”.

Finally:

“Regardless of the nature of the assessment process, some children and young people will remain fluid in their gender identity up to early to mid-20s, so there is a limit as to how much certainty one can achieve in late teens. This is a risk that needs to be understood during the shared decision making process with the young person”.

I add that Keira Bell and others are plainly victims of this.

To conclude, for family members managing a young person with gender identity issues, the topic is complex. There will be well-meaning missteps. The Bill is in no way suitable, creating as it does a far-reaching criminal offence; thought crime comes to mind. The noble Lord, Lord Winston, is absolutely right: this is a mistaken Bill.

11 am

**Lord Cashman (Lab):** My Lords, before I turn to what I have prepared, I have to say that it is a real privilege to be in the Chamber today to listen to the brave speech by the noble Lord, Lord Paddick, which was searing in its honesty, and, equally, to the evidence-based approach by the noble and learned Baroness, Lady Butler-Sloss. I thank those who have sent me their briefings, particularly the BMA, and Professor Paul Johnson of the University of Leeds for his advice and support.

[LORD CASHMAN]

It is an honour to offer my wholehearted support to the chief aim of the Bill, which is to prohibit sexual orientation and gender identity conversion therapy. I thank the noble Baroness, Lady Burt, for her tireless work and her introduction in bringing the Bill forward.

It is LGBT History Month. In that regard, I remind all noble Lords that what we now call conversion therapy is not a new phenomenon but something that has a very long history. As the Bill makes clear, conversion therapies are practices aimed at individuals or groups which, based on assumptions about the value—I emphasise “value”—of different sexual orientations or gender identities, attempts to

“change ... or ... suppress a person’s ... sexual orientation or gender identity”.

As I said, such practices sadly have a long history and have taken many different forms and contexts, including barbaric interventions using chemicals, electric shocks and brain surgeries. We tend to think that those dark, brutal days are long behind us. Many of the torturous practices deployed in pursuit of converting LGBT+ people are indeed historical relics, but what is not long behind us and still very much part of our society—as sadly witnessed in the Chamber this morning—is the belief fervently held by many that some sexual orientations and gender identities are less valuable and less desired than others. It is that enduring belief that underpins today’s manifestations of conversion practices.

**Lord Lucas (Con):** My Lords—

**Lord Cashman (Lab):** I will not take that intervention.

**Lord Harlech (Con):** My Lords, I think the convention of the House is for noble Lords to give way when there is an intervention.

**Lord Cashman (Lab):** I say to the Government Whip that I have an advisory speaking time of five minutes. If he allows me the two minutes over that he has given to others, I will take the intervention.

**Lord Lucas (Con):** My Lords, I think the noble Lord makes a most serious accusation that there are people who have spoken today who do not honour LGBT people as full members of society, worthy of respect at all times. I have no evidence of that in my conversations with anybody who has spoken today or, indeed, those who are going to speak. I know that this is not a universal society but, within this House, we should be accorded the assumption that we are with the noble Lord and that his great struggles have been rewarded in people’s attitudes.

**Lord Cashman (Lab):** I note that the noble Lord is speaking after me and perhaps could have used his time to make those points.

As if the point has been made for me, there is an enduring belief that underpins today’s manifestations of conversion practices that hide out in the open and operate under the seemingly positive terms of “therapy”

and “other options”, while utilising ideas of rights and freedoms to continue to harm LGBT+ people. Those operating such practices may be being emboldened in a context where there is growth in hatred against LGBT+ people.

Just two years ago, the Parliamentary Assembly of the Council of Europe condemned with particular force the extensive and often virulent attacks on the rights of LGBTI people, sadly singling out the United Kingdom for special mention. The parliamentary assembly recognised that there is rising hatred throughout Europe and deplored the

“stagnation and even backsliding in progress towards LGBTI equality”.

Stagnation and backsliding on prohibiting conversion therapies is unacceptable and disgraceful. The Bill reminds us of the need to tackle these practices now, as so many other countries have rightly done. I therefore support the Bill as a further step towards recognising and protecting the fundamental rights of all LGBT+ people, which are not in conflict with the rights of anyone else. LGBT+ people pose no threat to themselves or others, and trans people do not pose a threat to themselves or others. The blatant misrepresentation and dehumanisation of trans people in particular must be ended.

I end with this quote: “We need to be kind to trans people. We need to be understanding of their experiences. We need to be supportive of their choices. And we need to be clear that they are welcome in our society, just as everyone else is”. This was said by Theresa May, then Prime Minister, in 2018, addressing the Conservative Party conference. Since then, matters have got worse. In the words of Brianna Ghey’s father, “the dehumanisation must stop”. If one person suffers conversion therapy, that is one person too many. Conversion therapy must end.

*11.07 am*

**Lord Lucas (Con):** My Lords, this is Second Reading: we are not time limited. I hope that noble Lords who need more than five minutes will feel free to take it.

I entirely agree with what the noble Lord, Lord Cashman, just said in quoting Theresa May. I share Room 23 with my noble friend Lord Hayward, and he has discussed with me the conversion therapy experiences of his friend, Matt Hyndman. He says of him, “I do not know how Matt is as normal as he is, given what he went through”.

My knowledge and respect of my noble friend are such that, even if I had not already been in that position, I would undoubtedly come at the Bill thinking that it was a correct and noble aim to deal with something which is clearly perceived as an evil and experienced as such by many people—I was interested to hear what the noble and learned Baroness, Lady Butler-Sloss, had to say about her experiences of it from a slightly different angle—but I have deep concerns with the Bill as drafted.

As the noble Baroness, Lady Burt, said when she introduced it, we need a clear vision of what practices are permitted and where the line falls. She discussed this in terms of a predetermined outlook and coercion being wrong, but that is not how I read the Bill as

it is; I do not see those lines in it. The noble Lord, Lord Paddick, said that open, questioning conversations should be permitted; I quite agree, but I do not see that in the Bill. I share the concerns of my noble friend Lord Sandhurst and the noble Lord, Lord Winston.

We need to get definitions right. Sexual orientation in English is who you are attracted to sexually. That obviously includes sexual attraction towards children and His Majesty's Prison Service invests a lot in conversion therapy where that is concerned. The Equality Act confines sexual orientation in much more narrow terms, and we need that definition in the Bill.

We should also take the opportunity to define sex, making it clear, along with recent court decisions, that this is a matter of biology—male and female, men and women. We should define gender, so that it clearly has a different use—the social and cultural attributes generally associated with a person of a particular sex: masculine or feminine. We need to rid ourselves, particularly in the context of this Bill, of the confusion that has arisen between the use of those two terms. In particular, in this Bill we need a definition of gender identity. My noble friend has already drawn attention to the Scottish draft. We are legislating about gender identity; if we are doing so, we need a really clear definition of what it means. In ordinary usage, it appears to be a very wide concept, and I hope that proponents of the Bill will feel able to contribute to a close definition of this.

We also need protections. We have all received, I think, an email from the BMA. I think it is being hopelessly optimistic. Other jurisdictions have specific protection for therapy; it is clearly needed in the context of the Bill as it is worded at the moment. We also need protections for parents; many others have suggested that parents, in their ordinary discussions with children, should not be criminalised by this Bill. The whole process of childhood is one of maturation, ceaseless change and experimentation; children can take on really strong identities that do not persist. Most parents of teenagers are actually delighted that they do not. It is not right to not be allowed to argue, to discuss and to be broad in one's conversations and directions to children. The Bill should not criminalise that, as I believe it does at the moment.

We need protection for religion; again, that is common in other jurisdictions. Above all, we need to make it clear that the process of affirmation is conversion therapy; taking something in a really young child and saying, "That means that you have a particular future, determined already at age four" is wrong. That is not what child development is about, and we should be extremely wary of picking a child early and freezing their development in that way, particularly when it involves chemical castration and physical mutilation. If there is one thing that this Bill, as amended, might achieve, it is making sure that that is the criminal offence, not parents seeking to help their children develop.

11.13 am

**Baroness Ludford (LD):** My Lords, this is a very short Bill, undoubtedly presented with the best of intentions, but it raises some big and difficult questions. The first is why there are no definitions in the Bill, very

importantly of "gender identity" but also of "practice", "suppress", "aimed" and "demonstrates an assumption". This means that interpretations are likely to be highly subjective, as well as being left to the courts to sort out. How can something be banned when it cannot be defined?

My second question is whether the Bill represents a serious overreach into behaviour that should not be criminalised, in effect creating a thought or speech crime. What examples of action or speech can my noble friend Lady Burt or other supporters of the Bill give of a real gap in the law where, for example, police, prosecutors or courts have told complainants that they could not act or convict? Practices that amount to physical or mental abuse, torture or inhuman treatment are, of course, very rightly already illegal. The Bill requires no evidence of harm or injury for the offence to be committed, and what room it allows for sincere and voluntary conversations, safeguarding or protection of health and well-being, is thoroughly unclear.

The very term "conversion therapy" is a misnomer—a confusing one, as I think my noble friend accepted—but it is still the core of the Bill. It risks tarring the therapy community. None of us wants to see any pressure or coercion used on people, but explorative talking therapy by mental health professionals, when all aspects of the person's feelings can be examined, is an entirely different matter.

The Equalities and Human Rights Commission has advised that there needs to be care in drafting so as not to catch legitimate counselling, therapy and support. So my next question is how the Bill, with its lack of any exemptions or exceptions, avoids the risk that anything other than immediate affirmation will put a therapist or clinician at risk of being accused of a "conversion" practice, when their professional duty is to support the person as they explore exactly what it is they want.

My fourth concern is that the Bill conflates sexuality or sexual orientation with gender dysphoria, when they are very different things. The evidence suggests, as Minister Kemi Badenoch noted in her recent letter to the Women and Equalities Committee, that a high proportion of young people who present as struggling with their sex actually turn out to be gay and that:

"If gender non-conformity is misinterpreted as evidence of being transgender and a child is medically affirmed, the child may not have had a chance to identify, come to terms with or explore a same-sex orientation"

and

"early hormone therapy may interfere with the patient's development as a homosexual".

So immediate affirmation of a change in gender identity rather than watchful waiting could be "gay conversion therapy"—what are the safeguards against that? How does this Bill avoid the hugely dangerous risk of treating a young person inappropriately and prescribing puberty blockers and cross-sex hormones when they are in fact gay?

In its June 2023 statement, NHS England noted both the rise in autistic young people seeking gender transition and the

[BARONESS LUDFORD]

“dramatic change in the case-mix of referrals from predominantly birth-registered males to predominantly birth-registered females presenting with gender incongruence in early teen years”.

Perhaps when we see the horrendous sexualised pressure that teenage girls are under, a wish to escape from being female can be understood.

But, under this Bill’s proposals, could a parent be convicted for refusing, perhaps because of the above concerns, to affirm the child’s request to change gender or to agree to puberty blockers, as in the Australian state of Victoria? A parent’s duty is surely to protect the child, and in many areas of a child’s life to discuss issues and say “No” or “Wait” if they feel that is more appropriate.

Leading human rights barrister Jason Coppel KC has raised the risk of unjustified or unlawful restrictions contrary to the European Convention on Human Rights on the right to manifest religion and belief, or on freedom of expression. A person like me would be highly unsympathetic to spiritual guidance that, for instance, said homosexuality or same-sex marriage was a sin, but it would be a dramatic departure for that to be made a criminal offence. Has the Bill been subject to an examination of its human rights compliance by the author? If so, it would be very good to see this published.

Finally, it would certainly be premature to legislate until we have seen the final report of the Cass review, which is expected soon.

11.19 am

**Lord Morrow (DUP):** My Lords, I very often disagree with the noble Baroness, Lady Ludford, but I agree with much that she said today. It is impossible not to be moved by some of the personal stories we have heard in this debate, although I note that those emotive stories now come from both sides of the question. As legislators, we have to move on from the emotion of stories to the hard realities of what we want the law to actually do.

Having listened to those who support the Bill, I think that we are talking about outlawing certain kinds of speech. Most of us know that physically abusive behaviour of every kind is already outlawed by existing legislation, and the Bill says nothing whatever about physical abuse, so that is not what it is targeting. What we are discussing is making criminals out of people for what they actually say. Clause 1 outlaws practices without defining those practices. It does not say electric shock therapy, which is already unlawful. In fact, it does not specify any kind of therapy, although the word “therapy” does mysteriously appear in the title of the Bill. It simply says “practice”.

We have to assume that the mere act of speaking to another person can constitute a practice. Certainly, the legal advice that has been provided on the Bill concludes that simply speaking with someone can constitute a practice. We are not talking about harmful speech. The word “harm” does not appear in the Bill—that is not the threshold—so we are proposing to outlaw certain kinds of mere speech, including objectively harmless speech.

Whose speech is the Bill targeting? What words or opinions will it outlaw? Clause 1 says it is certain kinds of assumption about gender identity and sexual orientation. I doubt there is anyone present who does not from time to time make assumptions. The dictionary says it means taking something for granted. I wonder if “assumption” is used in any other criminal law in this very broad way. I am very doubtful.

The subjects of these soon-to-be criminalised assumptions are sexual orientation and gender identity. If you think it preferable for a person to identify as their biological sex, that is the kind of assumption the Bill is targeting. If you hold to historic orthodox Christian teachings on sexual ethics, that seems to be the kind of assumption the Bill is actually targeting. Clause 1(2) states that you must also have the intention of suppressing someone’s orientation or identity. “Suppression” is the important word here. It is deliberately wide. If a mum refuses to let her trans-identifying son go to school in a dress and make-up, then surely she is suppressing his gender identity. We have heard the example from Australia where the state of Victoria says that not consenting to your child going on puberty blockers is suppressing their gender identity.

Clause 1(3) says that the penalty for making such assumptions is a level 5 fine, which we have already heard is the maximum available. I do not think the public would forgive us if we passed a law which exposed parents to huge fines simply because they do not want their kids to get caught up in the social contagion that undoubtedly exists around trans issues, and the prospect of church ministers being fined for harmlessly upholding their beliefs within their churches is not one that any democrat, Liberal or otherwise, should welcome.

This is not a good Bill. It is badly conceived because it seeks to criminalise people for their opinions and badly executed because it makes no effort to mitigate the damage to legitimate free speech and private family life. I do not think it is possible to legislate on this without causing these kinds of problems, because those who want a conversion therapy ban want it to target opinions. It is not about abuse, it is not about coercion and it is not about causing harm. None of these words appears in the Bill. It is about punishing what some people regard as wrong opinions, and that is not the kind of law any of us should be willing to go along with.

11.24 am

**Baroness Hunt of Bethnal Green (CB):** My Lords, it is a testament perhaps to the strength of this House that I am able to follow the noble Lord, Lord Morrow. I may not agree with him, but I welcome the fact that there has been an opportunity for a range of views to be expressed in this House, and I hope to offer an alternative perspective now.

As has been said, the Government have been considering how to criminalise conversion practices since 2017, so it seems a good moment for the House of Lords to contribute to the ongoing debate. In my view, we need clarity on what exactly constitutes conversion practices and what does not. In similar legislation across the world, the law states explicitly what is

included and what is excluded. Our legislation must do the same. We may not immediately agree on where conversion practices begin and end but, given that since 2017 three consecutive Conservative Prime Ministers have all stated that conversion practices are abhorrent, I am hopeful that we can confirm this position.

I want to talk about my experience of the different types of responses to sexual orientation and gender identity: affirmative, curious, and furious. I want to set out how these three responses differ from abusive conversion practices. An affirmative response is when an LGBT person is listened to, believed, their experiences are respected and they are loved for who they are, not what others determine they ought to be. An affirmative approach, in my view, gives people the time and space to consider all their options, knowing that whatever they decide they are supported.

A curious response is equally supportive and helps people keep options open. A curious approach describes how a clinical practitioner, parent, teacher or faith leader can respond sensitively when a person shares their thinking about gender and sexuality. The practitioner is open-minded and inquisitive, supports the individual to know and learn, asks questions and is interested in the answers. They can offer alternative perspectives and ideas. Curiosity permits an individual to change their mind and allows collaboration and assurance for all. It does not make a person feel bad about who they might be. Young people exploring their gender identity need a curious response.

A furious response is where an LGBT person is made to feel ashamed of who they are. For me, Section 28 epitomises a furious response. The prevention of the promotion of homosexuality meant I grew up believing that I was inferior. I had to find my own way to affirmation and navigate the indignity and shame that surrounded me. However, even that furious response would not, in my view, be covered by a ban on conversion practices. Freedom of expression means people are free to hate me for who I am. I would rather they did not, but their fury does not in and of itself constitute conversion practice.

What would become an offence, in my view, is active attempts by those in a position of power to suppress and change a person's identity by force. It is not a curious response but an abusive response. It does not work, it has not worked, and, in my view, it should be banned.

We have heard a little about religious freedoms today and I want to share my experience, which I appreciate is not universal, but it demonstrates what is possible and in part shaped my position today. I continue to practise being a Catholic, and at the age of 13 I spoke with my priest about my increasingly distracting interest in girls and my growing indifference to boys. My priest in 1993 was not affirming. He did not take me to a LGBT youth group, and he did not buy me a flag. He listened to me with curiosity, kindness, gentleness and love. He prayed with me and gave me a copy of *Revelations of Divine Love* and so introduced me to Julian of Norwich. He told me that all would be well. He implored me to do one thing: to do the very best I

could in my GCSEs. It was what I needed to hear. I followed his advice, and I carry his kindness in my heart today.

As a young adult, I listened to debates held here and in the other place about LGBT issues. The fury, the contempt, the lazy mockery I heard compounded my shame, the glimmers of affirmation and respect give and gave me hope. Today LGBT people, their friends, families, and their faith leaders are listening to how we and those in the other place navigate these issues. What we say here and how we say it matters. I believe it is possible for us to find a way to agree on what constitutes conversion practices, be clear that we should ban those abhorrent acts, and collectively play our part in creating a world where curious trumps furious.

11.30 am

**Lord Blencathra (Con):** My Lords, it is a tremendous pleasure to follow the noble Baroness, Lady Hunt of Bethnal Green. I deeply respect what she has said here today and the course that she has taken in her life; she is to be commended for it. Nevertheless, I consider this an insidious little Bill. Kind, loving and caring parents could get unlimited fines for looking after the interests of their young children. Prison could await them if they refuse to pay the fine, and they will be in contempt of court.

A 14 year-old girl tells her mother that she wants to be a boy, and her mother says that she should wait until she is a bit older—that she has been a girl for 14 years and that remaining a girl for a few more years is the best thing to do. The girl tells her teacher and the next second the police are at the mother's door. She is charged under Clause 1(2), for making the assumption that being a girl is preferable, and under Clause 1(2)(b), as she has suppressed her daughter's expression of gender identity. Then there is the 10 year-old boy who tells his dad that he wants to be a girl and that the school have said he can get puberty blockers. His father says that, if he does that, he will be chemically castrated and never have children, and he should not do it. The father discusses it with him in detail but the boy, egged on by schoolmates, tells his teachers, and the next minute that father is also prosecuted. Unamended, that is the sort of sick society that this Bill would bring about.

What is the problem that the Bill is seeking to fix? I understand that, in the United States, there are, or have been, some religious nutters who have tried to convert people from one sexual orientation to another and to exorcise their so-called demons. That is as futile as it is misguided, and utterly wrong, but it is not happening here. There is not a credible reported incident of anyone doing that in recent times in this country. There is a case quoted of a woman being strapped to a chair in a psychiatric hospital and given electric shock treatment to discourage her from having thoughts and feelings about other women. But that was way back in 1964, when thousands of people had their brains fried by psychiatrists hoping to change some behaviour that they considered abnormal. All we have are bogus, self-selecting surveys, dating back years, of a handful

[LORD BLENCATHRA]  
of people saying that they felt that they were getting conversion therapy, when in many cases no one even said a word to them.

However, this is not the full story. We have had the most despicable conversion therapy foisted on our children and sanctioned by the NHS. I am referring to the gross abuses inflicted on children by the Tavistock clinic and GIDS. Perhaps it was scrapping the words in the Hippocratic oath, “First do no harm”, that led to doctors neutering thousands of children, or perhaps they were captured by the ideologues of the transgender cult, led by the discredited organisation Mermaids, which advocates the cruel breast-binding of girls—it is currently under investigation by the Charity Commission, following safeguarding allegations. I exempt the courageous whistleblowers at the Tavistock who exposed this scandal and were vilified for it.

Only cult capture by the trans zealots can explain why 138 children were referred in 2010 for genuine gender dysphoria but that this had rocketed to 3,585 in 2021, as the fad for converting children from one sex to another took hold. Of course, these poor kids have not been converted from one sex to another. Boys have been chemically castrated, but they will never be women. Girls have been put on the drug Lupron, and some have had double mastectomies, but they will never be men. These children will never have children of their own; they are stuck in a sex limbo, neutered by doctors who should have given them proper counselling and advice, but instead put them on a fast-track to destroying their sex.

The Cass interim report has exposed what was utterly wrong with the Tavistock and GIDS. They made an assumption that one gender was preferable to another, with the intended purpose of attempting to change a person’s gender identity. Does that sound familiar to your Lordships? It is exactly what this Bill is seeking to do. The abuses done to children in the Tavistock, which Cass criticised, are the same abuses that this Bill would legalise. If we could make this Bill retrospective and prosecute all those at the Tavistock who did this to little children, then I would be the first vote for it. A principal criticism of the abuses at the Tavistock were that no proper counselling or psychiatric advice was given; it was all peremptory and rushed. If this Bill becomes law then anyone—parents, doctors, psychiatrists, teachers—seeking to give proper advice would be guilty of an offence. That is why I call this an insidious little Bill, and why it should never reach the statute book.

11.35 am

**The Lord Bishop of Bristol:** My Lords, I begin by thanking the noble Baroness, Lady Burt, for her Bill. I am grateful to the noble Baroness for engaging with the complexity of drafting legislation to prevent conversion therapy or practices, given the variety of views there clearly are in this Chamber and in wider society. I declare my interests: until December, I was one of the bishops leading on safeguarding in the Church of England and I am still co-chair of the APPG on Safeguarding in Faith Communities.

I have been aware for many years in pastoral ministry of some horrific practices, from physical punishment, counselling and prayer techniques akin to interrogation to, at worst, supposedly curative rape. Such practices are used against those in faith communities who are regarded as deviating from the communities’ norms for sexuality and gender identity. These more or less hidden practices must be prevented by statutory provision if they are not already. We should note too that those who are victims should be much better supported. I am also aware of the much more subtle impact on LGBTIQ people of faith—the pressure on them to conform to the norms set by the hierarchy of their faith community. The cultures which pervade many faith communities render those exploring their identity very vulnerable indeed to abuse, as the IICSA report reminded us.

I am relieved that the Church of England is at last owning its homophobia and making some moves to change its culture and practice. Personally, I wish that it would change much faster and further, but I am also aware that, in my diocese, there are very different perspectives in this ongoing debate. I am profoundly grateful to the noble Lord, Lord Paddick, for setting out some of the issues as they affected his own life. In my diocese, the organisation Living Out supports LGBTIQ adults who, exercising agency and autonomy and inspired by their interpretation of Christian faith, seek counselling to support celibate lives or marry someone of the opposite sex. I know too how hard it is to write into guidance or regulation definitions that help rather than harm. The Church of England has wrestled for some years to define spiritual abuse. We have begun to recognise its presence and impact, but are not consistently agreed on its definition or how any definition should be applied in disciplinary process.

I am therefore not yet convinced that the text of this Bill and its lack of agreed definition would give Living Out, for example, the safe space that its members need. But I do believe that we need to keep working at this, and I am grateful for the determined efforts of the noble Baroness, Lady Burt, in the absence of a government proposal. The right reverend Prelate the Bishop of London, who is unable to be present today, and I, want to continue to work to find agreed definitions that protect from harm while continuing to preserve our current liberties.

11.38 am

**Baroness Buscombe (Con):** My Lords, 20 years ago, on 18 December 2003, I spoke for Her Majesty’s Opposition at the Second Reading of the Gender Recognition Bill. It was a government Bill that, strangely, had not been referenced in the gracious Speech, though it had been scrutinised as a draft by the Joint Committee on Human Rights. I spoke in support of the Bill in principle, with the blessing of the then leader of the Opposition, my noble friend Lord Howard of Lympne.

I and others on these Benches asked numerous questions and raised concerns, some echoing the ECHR. The Bill lacked clarity and detail regarding important practical issues, but I was proud to speak in support. We believed, and I believe now, that we were totally right then to support legislation that recognised an extremely small cohort of people, estimated then to be

a maximum of 5,000 people, who suffer greatly through gender dysphoria. The key point that we sense-checked then was: what harm could it do? Surely it could not hurt others. Indeed, I had in mind the wonderful Jan Morris, formerly James, a brilliant historian and writer who was brave enough to write openly about his experience.

I am sorry that the noble Lord, Lord Adonis, is not in his seat today, as he took the Bill through for the Government Benches. We worked well together, I feel, given the potential pitfalls and the uncharted waters. Indeed, from listening today to the noble Lord, Lord Winston, we are still in uncharted waters, from both a legal and a scientific standpoint. In a sense, we are in a dangerous place. I fear that I am listening to a lot of misunderstanding on the part of some noble Lords, as they listen to others, as to what they are really trying to say. But so far I have not heard one noble Lord speak against full support for these people who suffer from gender dysphoria.

It is interesting to note, because times have changed, that the noble Lord, Lord Adonis, had been advised by his then Government not to accept a recommendation from the JCHR, and supported by us in opposition, to remove discrimination against transsexuals in the fields of education, housing and supply of goods and services. We have moved on.

We questioned numerous issues that remain controversial today, such as the role of sport and the sharing of private spaces such as prison cells and public lavatories, as well as the implications for an already married couple. After all, the minimum age for starting any form of process for transition was then 18. Twenty years on, I stress that I never imagined what is happening now. Twenty years on, we are in a terrible mess. Twenty years on, we are presented with a Bill that risks criminalising parents who try to dissuade their confused adolescent children who are bombarded with unbelievable, appalling and, frankly, evil social media and peer pressure from having irreversible medical treatment that can cause lasting harm, including lifelong sterility. Twenty years on, I have parents begging me to stop the nightmare of teachers and others asking young children, aged as young as seven, to question their sexuality. Twenty years on, we are witnessing the hijacking of a rare and unbelievably tough condition for a trend that is out of control and undermines the real sufferers. This is abhorrent, both for those with genuine gender dysphoria, who deserve our wholehearted support and protection, and for a whole generation of very young children who have been robbed of their innocence and their childhood.

It seems that we need a legislative way forward out of this nightmare, one that protects the interests of vulnerable young people rather than seeing them signposted in a direction, often at a ridiculously young age, that is irreversibly harmful. This Bill is not it, for all the reasons that we have already heard expressed today, not least by the noble Baroness, Lady Ludford, and my noble friends Lady Noakes and Lord Sandhurst.

I get quite emotional about this, because it goes back a long way. It was extraordinary listening to the noble Baroness, Lady Featherstone, talking as if nothing had happened before. History is an important thing.

The legislation that we must try to create must find a way forward but must also clarify, with all professional and regulatory bodies that touch on this issue, that existing laws already protect victims from all forms of verbal and physical abuse. We should not legislate merely to send messages. As a mother, a grandmother and a Peer, I urge noble Lords to reject this Bill.

*11.45 am*

**Baroness Hayter of Kentish Town (Lab):** My Lords, it is a delight to follow the noble Baroness, Lady Buscombe. I pay particular tribute to the contribution from the noble Baroness, Lady Hunt, which I found insightful and helpful. I thank the noble Baroness, Lady Burt, for introducing the Bill because it enables those of us who support a ban on attempts to supposedly cure people of their gayness to nevertheless explain why we have grave concerns about the Bill, especially as there was no pre-legislative scrutiny.

Like everyone in the House, I hope, I am certainly not anti-trans, and I am not worried about what consenting adults do in public or in private, but I am worried about children and young people, and it is about safeguarding that I want to speak. I certainly support the outlawing of conversion therapy with regard to sexual orientation, and I am respectful of trans people whose lives are greatly improved by their change in gender.

However, there are major risks affecting transgender issues in relation to young people. We are talking not about a way of life or sexual preferences but about serious, potentially life-altering medical or surgical intervention. Our former colleague Baroness Ruth Rendell campaigned against female genital mutilation and helped to introduce laws that made it an offence to send a child abroad for that procedure. I wonder what she would have thought about prescribing pills to a 16 year-old that could lead to infertility, the loss of sexual function and physical complications, without thorough advice and counselling, at an age when the decision to end the possibility of childbearing is surely too young.

I should know. Just as some people are sure from an early age that they are gay or would be happier in another gender, I always knew I would never have a child, but it took until I was 26 before a surgeon was willing to take the step beyond just taking the pill. Even then, he took me to a psychiatrist for an assessment before he actually booked an anaesthetist—and that was only to tie my tubes. I do not regret the psychiatrist, and nor do I think that was inappropriate—and I was 26 at the time, not 16.

Puberty blockers, which are given off licence because they have not been licensed for transitioning children—they are the same drug that we use for chemical castration—are wholly more significant than just tube tying, yet the Bill risks criminalising any psychiatrist, therapist, teacher, doctor, or perhaps parent or church minister who seeks to engage with that youngster and test their request to transition. Is it not a duty on any surgeon or prescribing medic to be absolutely sure that a young person really understands all the consequences of such a life-changing and irreversible medical intervention before they simply affirm and assent to the patient's request?

[BARONESS HAYTER OF KENTISH TOWN]

There is of course an interesting question about whether the Bill covers only a discussion about whether the patient is certain they want to make a change. What about discussions the other way—the automatic gender-affirming treatments that come close to persuading someone that they want to transition? Perhaps it is those therapists who are engaging in conversion therapy, albeit directing someone to transition as a way of resolving unhappiness or dissatisfaction in their current life, or mere confusion because they are still very young. That is not neutral exploration; it is one-way advice. It says, “This is the answer to your problems”. Sometimes it is, but the idea that we criminalise discussion that explores the reason for the desire for change and checks that the young person fully understands the impact of physical change, with the possible or probable loss of childbearing and sexual function, probably before they have even enjoyed good sex, is ludicrous.

Informed consent, especially at 16, needs complete understanding. Sixteen year-olds cannot vote. They cannot have a tattoo until they are 18; they cannot marry until they are 18. While we believe that marriage—which can be undone; we have already had examples of that—cannot take place until they are 18, we seem content for a 16 year-old to risk their future without the benefit of talking therapy to ensure that they understand the risks.

My friend’s daughter started hormone treatment at 16. Within months, her voice had broken and she will now have a man’s voice for the rest of her life—from age 16. There are practitioners who are very happy to speed transition for young people—irreversible changes without parental consent. Gender Plus, for example, markets itself as follows:

“Post-assessment referral to our associated hormone clinic is available to those aged 16 years+ ... Hormone clinics ... will be run as a hybrid offering of in-person and virtual appointments (consent must be taken in-person)”.

It also states:

“The clinics are ... nurse led, run by our Nurse Consultant who has several years experience”

with GIDS—the Tavistock. Apart from final consent, a nurse-led virtual consultation is all that is necessary for that agency for potentially life-altering, irreversible medical intervention that is likely to lead to infertility.

This unquestioning affirmative approach is not open-minded, and it is at odds with standard practice in all other clinical encounters. My fear, despite what the noble Baroness, Lady Burt, says, is that this Bill will outlaw anything other than unquestioning affirmative treatment. I could not support it in its present form.

**Lord Harlech (Con):** My Lords, before the noble Earl speaks, I just want to say something to the House as gently as possible. This is a very impassioned debate and the speaking time is of course advisory, but I remind the House that there is business to come after this Bill. If we can respect the advisory time as closely as possible, I am sure that everyone would appreciate it.

11.52 am

**Earl Russell (LD):** My Lords, I speak in favour of this Bill; indeed, I would speak in favour of any Bill that outlaws abusive practices. As I see it, conversion

therapy is happening, and it is harmful. It is long overdue that this practice be made illegal. I support this Bill, brought to the House by my noble friend Lady Burt, and I support a ban on conversion therapy. This is about ending degrading and inhuman treatment; it is about ending coercion and abuse. The idea that conversion therapy is a thing of the past and that it is not happening any more is just not correct. The idea that all harmful and damaging practices are already illegal under existing legislation is similarly just not correct.

Theresa May’s Government undertook a national survey in 2017 to gather information about the experiences of LGBT+ people. Of the 108,000 participants, the survey found that 2.4% of respondents had undergone conversion therapy and 5% had been offered it. In the introduction to the Government’s consultation, published in December 2022, the then Secretary of State said:

“we have identified gaps that allow other types of conversion therapy to continue. Having identified these gaps in the law, we are determined to close them”.

The Minister promised to deliver a ban as quickly as possible, saying,

“we will be preparing a draft bill for spring 2022”,

and adding, rightly, that

“it is the view of the government that one incident of conversion therapy is too many”.

Yet nothing to date has been delivered.

The harms these practices can cause individuals are severe. One 2020 study found that people who had undergone conversion therapy were twice as likely to have suicidal thoughts, and 75% more likely to plan a suicide attempt. Similarly, A UN expert on sexual orientation and gender identity has said that conversion therapy “may amount to torture” and has called for a global ban. Many countries have already banned it, including France, Canada and New Zealand. It is possible; we can find a way forward and agreed wording. Harm is taking place, and that harm cannot be ignored any longer. We have a duty of care—a duty to prevent unnecessary suffering.

A ban is long overdue. The Government have failed to deliver a ban to the promised timescale. This Bill seeks to move the debate forward. It seeks to make it an offence for any person to practise, or offer to practise, conversion therapy. The definition in this Bill—or any Bill—should be sensible and not cast the net too wide, nor restrict others’ rights to freedoms. It should set a high bar. Again, we are talking about banning coercion and abuse, nothing else. The Bill should not prevent legitimate professional health advice being given. It should not prevent conversations about gender identity. It should not tell people what to say or what they can believe. It should not restrict religious freedoms.

If this Government do not like the wording in this Bill, I call on them to bring forward an alternative Bill with alternative wording, so that this can be carried forward. This is about preventing harm. We must work together. This Bill is just one attempt, but we need to build a consensus, as this issue needs to be addressed. It is about finally delivering the change that the LGBT+ community have every right to expect. They have a right to demand it when it is not forthcoming.



Time and again, the Government have broken their promise to deliver this ban. Five years on, we cannot afford to waste more time. I call on the Minister to listen to the strength of feeling in the House and for the Government themselves to take forward measures, in consultation with others across this House, so that we can find a way forward.

11.57 am

**Baroness Foster of Aghadrumsee (Non-Affl):** My Lords, I commend the discussion that has taken place thus far and the wide range of views that have been put forward. I am concerned about the ambiguity in this Bill and its vagueness; although it is short, its reach is extensive. The implications for free speech, freedom of religion and parenting are quite chilling.

There is a danger that this Bill will create a new orthodoxy and a whole category of opinions that must not be uttered, at the risk of criminal conviction. Supporters of a new law in this area have urged the UK to imitate the legislation in Victoria, Australia: the Change or Suppression (Conversion) Practices Prohibition Act—the same terms that are found in the Bill before us.

One of the enforcement agencies—yes, enforcement agencies—in Victoria is the Equal Opportunity and Human Rights Commission. Its list of what is considered illegal under the Act includes:

“a parent ... refusing to support their child’s request for”  
puberty blockers. It also says that

“not affirming someone’s gender identity”

is an illegal practice. Press reports say that parents of gender-confused children are holding clandestine meetings, living in fear of prosecution for trying to get help for their children. The Victoria commission has even issued guidance on how to pray. It says that prayers that talk about a person’s “need to repent” are likely to be illegal.

Apparently, that is what supporters of the Bill want here too. The co-founder of the Ban Conversion Therapy campaign, Jayne Ozanne, says a ban must cover “gentle, non-coercive prayer”. Another founder, Matthew Hyndman, says it must tackle the “pernicious power of prayer”. I was reflecting on that very offensive phrase when I came home from Holy Communion on Sunday, where those present heard the invitation from my minister:

“Ye that do truly and earnestly repent you of your sins, and are in love and charity with your neighbours, and intend to lead a new life, following the commandments of God, and walking from henceforth in his holy ways”.

I thought to myself, is that going to be allowed under this new conversion therapy Bill?

One of the central tenets of Christianity is the need to repent. That is universal; it applies to us all. Is that now going to be challenged or likely to be illegal, as the Victoria commission said? I find that very chilling indeed.

Reference was made to the Church of England document that came out yesterday. It is worth looking at, because it states a difference between conversion therapy—physical and psychological coercion, which I think we are all against—and conversion practice. It

says that the fluidity of definition is problematic. It raised concerns about boundaries, particularly in consideration of what conversion practice is, as opposed to conversion therapy. That is a very interesting point.

Further, the Bill does not require any proof that the accused used, for example, threatening, abusive or insulting words. Even the most gentle words can be criminalised, so long as a court can be convinced that to you “aimed” your words at a person—those are the terms in the Bill—and that your words demonstrated “an assumption” about the preference of one sexual orientation or gender identity over another, and that your intended purpose was to “suppress” someone’s expression of orientation or identity. The court has to read your mind about all of these things. Despite the fact that no harm is caused, intended, likely foreseen or even foreseeable, you can be convicted and face a fine up to the maximum level, as has been pointed out.

According to the Bill, the practice would also have to demonstrate an assumption that any sexual orientation or gender identity is inherently preferable to another. Quite apart from questions over what that would look like or how it would be shown, it is a very broad test. It could be met by anyone who believes that being male or female is tied to biology and who rejects the idea of gender identity. I note that this gender-critical belief is protected by equality and human rights law. There are many of that opinion in this House, and certainly many outside of it.

It is clear that an offence looking at people’s assumptions is getting into the realm of examining whether their thoughts and attitudes are acceptable. It is very dangerous territory, and I urge the House to reject this Bill.

12.02 pm

**Lord Altrincham (Con):** My Lords, this Bill comes at a time of very wide distress among young people. The NHS reports that 25% of 17 to 19 year-olds are experiencing significant mental health problems. Even if we adjust that and imagine that it is quite a bit of ordinary human unhappiness, there is great distress at the moment. We should be careful to protect services that help those young people. They are presenting with a wide range of mental health concerns. That is across the whole spectrum, but it is particularly true at the end of the spectrum that this Bill is focused on. In the Cass review, it was noted that 70% of young people presenting had more than five different forms of mental health problems, such as trauma and depression. The sheer complexity of these mental health concerns only adds to the importance of talking therapy and protecting psychiatric services in the country.

This is against a backdrop in which the use of drugs is increasing tremendously—we heard about this in our House of Lords inquiry last year into the integration of primary and community care. Far too many drugs are being prescribed to all age groups, including young people, and they are being prescribed because there are insufficient mental health services and insufficient other ways of looking after people. Drugs are not the way forward; talking therapies are all we have got. We might be careful about limiting talking therapies in any way, particularly for the very small group that is

[LORD ALTRINCHAM]  
the subject of this Bill. If there is harm in this Bill, the first harm is that they themselves might find a limitation in access to talking therapies; they might find that the therapists available to them have moved sideways or elsewhere. The Bill obviously criminalises discussion and activities to an extraordinary extent. Only in England would a conversation with pronouns at one end and puberty blockers at the other have a policeman somewhere in the middle, trying to give expression to Clause 1. It is an extraordinary intervention into public health.

More broadly than this group, we cannot afford any reduction in mental health services for young people. We cannot, at this point, restrict these services at all; we are in no position to do that. There are, at best, 11,000 psychiatrists working in public health in this country, across all age groups, of which maybe only a few thousand are dealing with young people. Only a small change in that number downwards would increase the distress of tens of thousands of young people and their families. It is an extraordinarily sensitive area for us to wander into with criminal justice.

In summary, this Bill is in conflict with mental health services and provision in the country. It seeks to bring criminal justice and politics into the most sensitive area of public health and mental health, to the detriment of young people.

12.06 pm

**Baroness Chakrabarti (Lab):** My Lords, I have listened with great care to many very fine and thoughtful speeches today. I support the intentions of the noble Baroness, Lady Burt. I think some kind of intervention in this area is long overdue. We have heard from the speeches of Theresa May when she was Prime Minister, and Boris Johnson, when he was Prime Minister, made similar remarks.

It is always dangerous to attempt to gauge the consensus of your Lordships' House, but, like many noble Lords, I do not think that Clause 1(2) works, as it is cast too wide. However, like the noble and learned Baroness, Lady Butler-Sloss, and as with the outstanding interventions of the noble Baroness, Lady Hunt of Bethnal Green, and the right reverend Prelate the Bishop of Bristol, I believe that it is within the capabilities of people of good will, wit and wisdom to tighten the net and attack the real harm that is being caused to people, as we know that it is.

Words have been used by noble Lords such as "coercion", "manipulation", "degradation" and "abuse of power". I add that, notwithstanding the very thoughtful remarks of the noble Lord, Lord Altrincham, there are people putting themselves out there, in a desert of mental health services, who should not be. These talking therapies can be very powerful for good, but can also be very dangerous when they are manipulative.

On 31 January, in her article in the *Times*, to which the noble Lord, Lord Robathan, referred earlier, Emily Sargent described what is, frankly, this quackery. It is an article that I recommend noble Lords read. The noble Lord and I read the article very differently, and so I urge noble Lords to read it for themselves. What I read was the testimony of a very brave undercover

journalist, who put herself in harm's way to expose quite dangerous quackery that left her feeling very vulnerable.

The noble Lord, Lord Robathan, joked about how he nearly joined the SAS but some psychologist did not let him. I am saying nothing about that—I am not qualified to comment on entry requirements to the SAS—but, from his nature and his strength of character, I suspect that he feels very robust in his mental health, which is wonderful. But that is not true of everyone, particularly the many young people whom he referred to just now. So, in the particular area exposed by Emily Sargent in her piece, we see that there are conversion therapies that are not currently banned by the extant criminal law because, for example, they are not sexual or violent offences. It is the abuse of power when somebody effectively gets into your head and makes you feel worse about yourself. In some of the examples given by Emily Sargent, people were turned against their own parents. There are all sorts of problems there that we have to attack.

I do not want to be discourteous by taking too much time, but I will say that the tone of your Lordships' debate has been a lot better than what happened at the other end of the building on Wednesday. I sincerely wish that the Prime Minister would apologise to Brianna Ghey's grieving family for his error. There would be no harm or dishonour in apologising for that kind of error when it has caused such dismay not just to that family but to so many other trans people and their families in this country.

To end more positively, I will briefly quote the wonderful young writer Shon Faye, who wrote:

"Hope is part of the human condition and trans people's hope is our proof that we are fully human. We are not an 'issue' to be debated and derided ... Our existence enriches this world".

12.11 pm

**Baroness Eaton (Con):** My Lords, I recently had the privilege of hearing Keira Bell speak about her experiences of so-called gender transition. It was profoundly moving. Her experience led her to challenge the Tavistock gender identity clinic in court. As a girl, she had been deeply unsettled by the changes to her body during puberty. She suffered anxiety and depression, as well as parental abandonment. She was led to interpret her distress to mean that she would be happier as a boy. She was put on puberty blockers at 16 and testosterone at 17, and she had a double mastectomy at 20. The medical assessments she underwent before each of these profound and irreversible interventions were, at best, cursory.

Writing about her experiences, Keira said that "the further my transition went, the more I realized that I wasn't a man, and never would be".

Even though Keira lives as a woman again, there are many consequences that she will live with for the rest of her life. She lists

"possible infertility, loss of my breasts and inability to breastfeed, atrophied genitals, a permanently changed voice, facial hair".

Keira acknowledges:

"I was adamant that I needed to transition".

But now she is angry at what was done to her, and she believes she ought to have been challenged.

Then there is Dagny, a young woman from the US. Like Kiera, she found puberty a deeply disturbing experience. Due to the influence of trans friends and social media, she concluded she must be trans and began identifying as such. This social media community affected how she viewed those who did not affirm her new identity. Dagny says that

“I saw my parents as bigots because Tumblr”—

meaning people on the social networking site—

“told me to; because they held out for so long to prevent me from starting hormones ... No matter how much genuine concern others may have had for me—by now, a miserable 16-year-old—they were committing an unforgivable act if they just asked me, ‘Why? Why do I want to be a boy? Why do I want to change my body?’”

But now her perspective has changed and she believes her transition was a mistake. Dagny says it should be normal to challenge young people who deny their biological sex. The Bill rests on the view that there is something wrong with that challenge. It implies that the experiences of Dagny and other young people like her are invalid.

It was instructive to read the experiences of Sascha Bailey, reported in the press just last month. He describes how, even as an adult, he became so unhappy with life as his marriage broke down that he saw transitioning as a way of reinventing himself. He received a doctor’s affirmation that he was transgender and was given a prescription for female hormones. But he is very thankful to have changed course and stayed living as a man. He says that, when he was considering transition, his family was supportive, but it was a problem that they were supportive of him to a fault. He says that

“it’s almost like society has a gun to its head, because if they’re not supportive of it, the only choice is to be cancelled. You are either for it, or you’re transphobic; there is no middle ground”.

These are the words of a young man who thankfully came back from the brink of disaster but who recognises that he should have been challenged more than he was over his expressed desire to change gender, including by his family.

The Bill would add the force of criminal law to the societal gun to the head that Sascha referred to. It would further reduce the chances of confused and vulnerable people being invited to think again, instead of being placed on a one-way ideological conveyor belt to the world of gender identity and the pain that often follows. It would also lead to more Keira Bells, Dagnys and Ritchie Herrons. I therefore oppose the Bill and urge the House to do the same.

12.17 pm

**Baroness Meacher (CB):** My Lords, I first apologise to the Minister and to the noble Baroness, Lady Burt, that I have an appointment and may not be able to be here for the final speeches.

This is a highly complex issue and I, like the noble Baroness, Lady Chakrabarti, very much support the intentions of the noble Baroness, Lady Burt, in the Bill. However, it seems to me that it is inadvertently dangerous. Having been a front-line social worker for several years, many years ago, I am very concerned that any social worker or healthcare worker seeking to help a confused young person to work out whether they want to change their sex could all too easily be accused of an offence under the Bill.

The Bill could make it an offence to have a conversation with a young person who is questioning their sexual orientation. Numerous professionals in the field of child mental health have expressed their serious reservations about a Bill such as this. Parents, too, are very worried that, if CAMHS finds out that a child is experiencing gender identity problems, CAMHS staff will not see the child, even if the child is suffering with a mental health problem, which it seems is often the case. Instead, such families may be advised to get a referral to the gender identity service, which of course means that their mental health problems simply will not be dealt with.

I emphasise my huge support and sympathy for anyone with sex dysphoria, which must be a deeply distressing condition. But we need to be aware that, in anticipation of Bills such as this, experienced and compassionate professionals are already leaving their profession, rather than risk professional and public censure for failing immediately to affirm a troubled child’s expressed wish to change their sex in the event that they believe that it is in the child’s best interests to consider most carefully before taking such a life-changing step.

I hope profoundly that the noble Baroness, Lady Burt, will think again, very carefully, before taking the Bill forward. It could harm a lot of innocent people.

12.19 pm

**Baroness Bennett of Manor Castle (GP):** My Lords, I have listened as we all have to many brave and important speeches today, so I join in humbly to offer my strongest possible support for the directions and intention of the Bill proposed by the noble Baroness, Lady Burt, which is very much in line with the policy of the Green Party of England and Wales. Our policies for a sustainable society, democratically agreed by members at conference, says on conversion therapy:

“The Green Party recognises that these practices are unethical and harmful and believes that such practices should be illegal”.

The policy goes on to acknowledge the particular harm that such practices represent to young people and vulnerable adults, reflected in the fact that our Young Greens have been particularly strong in campaigning for the Government to live up to their *LGBT Action Plan 2018*. One of the key actions listed in that plan was to bring

“forward proposals to end the practice of conversion therapy in the UK”.

The plan went on to say:

“Our intent is to protect people who are vulnerable to harm or violence, whether that occurs in a medical, commercial or faith-based context. We are not trying to prevent LGBT people from seeking legitimate medical support or spiritual support from their faith leader in the exploration of their sexual orientation or gender identity”.

I believe that that is what everyone who is speaking in support of this Bill today, and its direction, is seeking to work towards.

I feel that one of the most useful contributions I can bring to this debate is to reflect on what is happening in Scotland, where the Scottish Green Party, working with the SNP under the Bute House agreement, has been at the forefront of working towards a conversion

[BARONESS BENNETT OF MANOR CASTLE] therapy ban. The history of that is of careful, consultative, evidence-based work. In 2020, a campaign group, End Conversion Therapy Scotland, lodged a petition with the Scottish Parliament. The petitions committee considered the issue worthy of further consideration and passed it on to the equalities committee. The following year, the equalities committee began an inquiry into conversion therapy, and its final report recommended a criminal ban.

In the following year, 2022, the Scottish Government created the Expert Advisory Group on Ending Conversion Practices, which included legal scholars, human rights experts, LGBTQ+ advocacy groups, faith leaders, medical professionals and survivors of conversion therapy. The final report of that expert advisory group unanimously recommended a comprehensive ban and a suite of measures regarding communication, engagement, prevention and support for survivors—which is something that we have not really talked about today and that is urgently needed.

This year, the Scottish Government launched a detailed consultation on proposals to ban conversion therapy, which runs until 2 April. I cannot but note that, had the Westminster Government followed a similar path from 2018, we could today be debating a government Bill and saving the noble Baroness, Lady Burt, and her team a great deal of work.

I want to pick up a point made by the noble Baroness, Lady Chakrabarti, that conversion therapy is about the abuse and misuse of power. It is nearly always conducted by someone in a position of authority, power or respect over the victim. It also often relies on secrecy, control and shame, so it is difficult for victims and survivors to come forward or seek help. It is therefore useful to consider conversion therapy to be a similar experience to domestic abuse in the form of coercive control.

In saying that, it is clear that many of the actions that we are talking about might well be covered by other legislation, but, as a specific pattern of behaviour and action, some elements would not be, and that is clearly what this legislation that we are talking about seeks to address, as does the planned Scottish legislation. It is worth looking at this from the international context—that conversion therapy is widely considered to be a form of torture, in certain forms. This was the view taken by the UN Committee against Torture and the International Rehabilitation Council for Torture Victims. Failure to protect people from conversion therapy leaves LGBTQ+ people at risk of having their convention rights breached.

I conclude by noting that many faith groups responded to the Holyrood equalities committee's inquiry, and all were supportive of a ban. Scotland's largest faith organisation, the Church of Scotland, stated its view that conversion therapy is wrong and should be banned.

12.24 pm

**Lord Farmer (Con):** My Lords, I agree with many other noble Lords that this very short Bill does not do justice to the many sensitive and complex considerations that these issues raise. One result of the Bill's brevity is that it includes no safeguards. The vague definition of

“conversion therapy” raises more questions than it answers. No distinction is made in the Bill between undeniably cruel and coercive efforts to change someone's sexuality or gender on the one hand and, on the other, faith leaders, parents and friends who may be approached by someone struggling in these areas and do their best to advise them. Any responsible legislation in this area must make these crucial distinctions.

No doubt, it is very difficult to do. The Government have been struggling for years to define conversion therapy in the robust way necessary for legislation. The Government Equalities Office consultation closed more than two years ago. A draft Bill was to be prepared for spring 2022, but has not been forthcoming. I am sure that that is not for lack of effort. Drawing up a conversion therapy law that does not infringe on family life, belief and other fundamental human rights is no easy task. This Bill certainly does not achieve it.

Many noble Lords will have seen the analysis of Jason Coppel KC, who considered the Bill in detail. His words are telling. He notes that the Bill

“would apply across the whole range of life; including in religious settings, social settings, and in the home”.

He says:

“No attempt has been made to craft exemptions or exceptions so as to ensure that any particular conduct, including conduct in domestic settings, or the practice of religion, is not prohibited”.

The Bill would, he says,

“restrict the ability of gender-critical persons to express their beliefs; the ability of religious organisations to express their beliefs ... and the ability of parents to counsel and bring up children in the way they believe to be right”.

He continues by saying that

“the Bill criminalises expressions of personal conviction even if they are made without expressions of hatred or intolerance, or improper purpose or coercion, or abuse of power”.

He concludes that the Bill would interfere with rights protected by Articles 8, 9, 10 and 11 of the European Convention on Human Rights.

We must take these warnings seriously. With these rights engaged, any legislation must be carefully crafted, but also have sound justification. So what is the justification? If conversion therapy entails coercive and abusive behaviour, there are many laws governing such conduct already. When we go beyond the existing law, we very quickly infringe free speech and religious liberty. I have yet to hear a clear articulation of the gap in the law that the Bill intends to fill. Hence, I am left wondering to what extent it is needed at all. I do not believe I am alone in that.

My noble friend Lady Eaton referred to Keira Bell and her horrific experience at the Tavistock clinic. We are all, I am sure, troubled by it, as we should be. A young lady has been left with a damaged body after irreversible surgery that was not clinically necessary but rather ideologically driven. This is what happens when there is only one permitted way to respond to people experiencing distress about their gender.

This comes back to the finding of Dr Hilary Cass that “social transition” is not a neutral act; it is a major psychosocial intervention that is likely to affect whether a child's gender distress disappears or becomes long lasting. As we saw with Keira Bell, and many like her, social transitioning is the first step on the pathway

to often deeply regretted permanent changes. Therefore, those who are ideologically driven to affirm and encourage children, in particular, to see themselves as trans when they are going through temporary turbulence need to be held responsible. If anything, this Bill should outlaw that—but I cannot see it being used that way in practice. Those calling most loudly for this Bill certainly would not want that.

Despite manifest problems with the current affirmative approach, this Bill will entrench rather than correct it. My noble friend Lady Foster referred chillingly to the conversion therapy law in Victoria, Australia, which makes it criminal not to affirm someone's identity and sexuality. Victoria's approach is lauded by those calling for this Bill, yet its law and official guidance are extraordinarily intolerant. It has even issued guidance on what the law now considers to be acceptable prayers. Prayers must reassure people that they are "perfect the way they are". That is a long way from the New Testament's declaration that

"all have sinned and fallen short of the glory of God."

I certainly have sinned, continue to sin and continue to fall very far short of the glory of God. But here, parents who do not agree to their children going on to puberty blockers can fall foul of this law. We cannot go down this path.

12.30 pm

**Baroness Donaghy (Lab):** My Lords, it is a pleasure to follow the noble Lord, Lord Farmer. His views are held sincerely. I agree with him that there is not just one solution to a problem, but we do not always agree on many issues socially and I am afraid that this is one of them. I thank my friend, the noble Baroness, Lady Burt, for putting herself through this and moving her Private Member's Bill. There is a certain irony in being told it is badly drafted: I have been here 13 years and have been subjected to sloppy, ill-disciplined Christmas tree legislation from this Government for the whole of that time, so I think it a bit rich that one individual should be accused of that.

The thoughtful contribution from the noble Lord, Lord Altrincham, brought back to us the serious issue of the inadequacies of mental health services and the importance of not risking any diminution in our already inadequate facilities. I come to a slightly different conclusion from him: it is because we have a poor mental health service and because our National Health Service is on its knees that we fail our children and young people in ensuring adequate counselling and facilities and that there is not a two-year waiting list, meaning that what might be a small niggle becomes an absolute mountain. I agree with him that anything that risks that should not be proceeded with. The noble Baroness, Lady Burt, herself said at the beginning of her very measured introduction that she would welcome amendments to her Bill, and I took at face value that that is what this is all about: that we want to fight for our children.

What is key in all this is that all children and young people feel supported, do not feel judged and are therefore able to trust. It is vital that we ensure trusted adults can still support young people and that licensed medical practitioners are able to help young people

and build confidence with parents. Trust has been eroded over the years, for various reasons. Ongoing delays to the opening of northern and southern young people's gender service hubs, extensive waiting lists and disrupted continuity of care will all no doubt serve to erode young people's trust further still, while leaving parents with less guidance and reassurance as they do their best in these circumstances to support their child.

I think I am all right with giving an anecdote, as the noble Lord, Lord Robathan, did it. No, I did not apply to join the Special Air Service, but I did watch TV at the weekend—that was my activity. It was a private audience with the Pope, involving celebs who had gone on some sort of mission. I have no idea what it was; I only saw the bit I am about to describe. A man in his fifties said to the Pope, "I don't know what religion I've got. I've been an outsider all my life because I'm gay and I'm black". The Pope said to him, through a translator, "Adjectives used to describe people are meaningless". I thought, "Wow—that is pretty good." He got up and hugged the guy, they all cried and it was marvellous theatre, but I thought that that reference to using adjectives to describe people very much reflected what the right reverend Prelate the Bishop of Bristol has just said: that we want to create a space to make progress on an issue we are not solving. Three previous Prime Ministers have said there is an issue, and we have to try to solve it. We have not succeeded—the noble Lord, Lord Farmer, is quite right—but we have to keep that space so that we can carry on discussing it. As far as I am concerned, this Bill is creating that space to close that adjective box.

**The Deputy Speaker (Baroness Watkins of Tavistock) (CB):** My Lords, the noble Baroness, Lady Brinton, is taking part remotely.

12.35 pm

**Baroness Brinton (LD) [V]:** My Lords, it is always a pleasure to follow the noble Baroness, Lady Donaghy, who rightly focused on the poor mental health service that is available at the moment, which is not helping adults and young people who seek guidance and reassurance. I thank my noble friend Lady Burt for opening this Second Reading debate in such a clear way, explaining the limited scope of the Bill, and my noble friend Lady Featherstone for reminding us of the legislation she helped steer through Parliament, including the first ever transgender equality action plan in 2011.

I was moved by what the noble Lord, Lord Paddick, said about how his life has been affected by his treatment by those in his church; I have a friend who was in much the same position. I was also moved by the reminder from the noble Lord, Lord Cashman, of the devastating effect on LGBTI people when others impose upon them their views about who they are. This Bill is not about free speech but about those in a position of power over the individual imposing their personal view—a priest or a doctor, most commonly—rather than what the noble Lord, Lord Robathan, said, which was right, about the need for patient-led therapy.

[BARONESS BRINTON]

I want to use my time to highlight one medical conversion therapy case, which I hope gives some clearer lines for those who say that the Bill is wrong. I have talked to Mr B, an adult transgender man in Wales who came out 10 years ago. At that time in Wales, in order to get a GRC, transgender people had to be seen by a psychiatrist. For eight years he was constantly delayed and ignored by the hospital. Worse, the psychiatrist he did see during that period announced at the start of the process that he did not believe he was transgender and that he would only recommend antidepressants and would not initially permit any discussion of transgender matters at all.

Mr B says that this treatment over a number of years made his mental health considerably worse. Then, the psychiatrist told him he should have ECT for his severe depression. This psychiatrist and another he saw were absolutely against making a referral to the gender identity committee, and he could not progress without its approval. This is the exact opposite of the affirmative and curious responses the noble Baroness, Lady Hunt, outlined so effectively: this was definitely the furious response. At this point, Mr B was suicidal; years of constant challenge and denial had taken its toll. The hospital doctor even said it was not their job to stop him killing himself. But this case was even worse. The psychiatrist wrote to Mr B's GP with an inaccurate account of the sessions, as well as keeping inaccurate medical records at the hospital. Finally, after eight years, he saw a doctor at the same hospital who was a gender specialist: someone who, in the description of the noble Baroness, Lady Hunt, was affirmative and curious.

This is not just Mr B's view of his own case. He was brave enough to make a complaint to the Welsh ombudsman, who was clear in his judgment:

"The Ombudsman found that there were failures [by the Betsi Cadwaladr University Health Board] to conduct an appropriate assessment in 2017, that an assessment in 2018 failed to identify that Mr B met the criteria for a referral, and that a challenge to the 2018 assessment outcome was not dealt with appropriately. He also found that Mr B had been misled to believe that a referral had been made when it had not, and was not kept fully informed about the process of referral or the decisions the Health Board was making. Finally, the Ombudsman found that the records did not reflect the appropriate diagnostic terminology (which might have contributed to the confusion around Mr B's eligibility for referral) and demonstrated that clinicians failed to refer to Mr B using his preferred name and pronouns."

I quote from the ombudsman at length because I think the detail of it might help to understand when things cross a boundary. The judgment goes on to say:

"The Health Board agreed to apologise to Mr B and offer him £2000 within 1 month, in recognition of the distress caused to him as a result of these failings. As the referral process had changed since the time of the events, it also agreed to remind relevant staff of the current appropriate referral process for individuals who require gender healthcare. The Health Board also agreed to provide training to relevant staff within 6 months, on the current NHS approach to diagnosis and symptoms relating to gender healthcare, trans-inclusive diversity awareness and meeting the needs of transgender individuals".

Mr B was very brave to take a case that had caused him so much distress. However, we know there are still doctors who do not approach transgender patients with affirmation and curiosity, nor do they have an

open and thoughtful discussion to explore through a patient-led process. The Bill says that practice that has intent to change or suppress a person's gender identity must be evident. Mr B's experience is one such shocking case.

Ten years on, Mr B is contented living who he is and is loved by friends and family. His experience at his local hospital should not happen to others in the future. His case highlights why the Bill is necessary.

12.41 pm

**Lord Moore of Etchingam (Non-Afl):** My Lords, I approach today's debate with some hesitation because I cannot claim to be an expert on the subject. Your Lordships have heard so many well-informed and often moving speeches on both sides of the argument, and I will not be able to add to that body of knowledge. However, I hope to examine what happens when Parliament tries to make laws about matters concerning free speech and personal feelings without asking itself the difficult questions involved. Too often, laws are made merely because some people feel very strongly on a subject and wish to give their opinions the force of law. I will remind your Lordships, however, of a well-known example from fairly recent history which should be a cautionary tale.

In the mid-1980s, there was widespread indignation, chiefly among Conservatives, about how left-wing councils were, as they saw it, wasting money and abusing local government duties to preach all sorts of "propaganda on the rates". This was the era, noble Lords will remember, of the so-called nuclear-free zones, the militant tendency, "Red Ted", "Red Ken" and so on. One area of contention was gay rights. The media reported that left-wing councils and education authorities were using public money to promote homosexual inclinations and lifestyles among children. Some noble Lords may remember a book called *Jenny Lives with Eric and Martin*, which was allegedly available in a Haringey school library—actually, it was not. The pressure mounted for laws to ban such material in schools. Several Conservatives objected to the idea; some argued it would be an infringement of free speech, while others pointed out there was no need for legislation because existing new laws—which gave greater powers to parents and governors—would deal with the problem. "No," said the supporters of a possible Bill. They believed the offending councils and education authorities were using the rubric of equal opportunities to smuggle in works which, as one put it, eulogised for 15 year-olds

"precisely the kind of homosexual acts that give rise to AIDS".

Such propaganda must be stopped, they said.

In the end, an alliance of the Conservatives who were fed up with the hard-left councils and those who wished to enforce traditional moral attitudes prevailed. A Private Member's Bill ran out of time before the 1987 general election, but the Conservative manifesto in the election complained that:

"In certain cases education is used for political indoctrination and sexual propaganda".

This stand was thought to have done well on the doorstep. After victory in the election, Mrs Thatcher, now Prime Minister for the third time, allowed the

conversion of the original idea of a Private Member's Bill into an amendment to then Local Government Bill—hence the famous, indeed notorious, Section 28 was born. It forbade

“the teaching, in any maintained school, of the acceptability of homosexuality as a pretended family relationship”.

There was private consternation within government at this, with some Ministers complaining that Section 28 would

“proscribe the mere expression of opinion”,

and others that it would simply “not work”. There was public outrage too. In the debate here, eight lesbians absented from the Public Gallery down to the Floor of your Lordships' House. It was probably Section 28 that galvanised the British gay rights movement, leading, for example, to the rise of Stonewall in this country. There were no successful prosecutions under the Act; it was repealed in 2003. The whole thing was a failure, and as the noble Baroness, Lady Hunt, has testified, it did a considerable amount of damage.

Your Lordships will have quickly spotted where my argument is heading. Attempts at banning so-called conversion therapy risk becoming the mirror image of Section 28. The Bill contains many of the same problematic elements. These include: the lack of proper evidence of a wide and deep problem; an attack on free-speech rights, which many noble Lords have noted, including the noble Baroness, Lady Ludford; the failure to use existing laws to find a remedy, if remedy is needed; inattention to how the Act would work in practice; the tendency to use legislation to make an empty moral gesture rather than a useful difference; and the tendency to exploit, in a political or electoral context, a sensitive issue which many regard as a matter of conscience.

If, as many expect, another party holds the majority in another place before the end of the year, we may even encounter the same shift from a Private Member's Bill to a government measure which happened in 1987. Such a repetition of history would show that nothing has been learnt from it. One of the puzzles about this subject is that the present Government have given so much countenance to it. Since 2017, in various incarnations and under three Prime Ministers, the contentious idea that conversion therapy is a defined reality and a threat is meekly accepted. Also elided, without understanding the arguments, are questions of sexual orientation and questions of gender identity. The Government are in a muddle and do not know what to do. I think this confusion derives, in part, from their feelings of inherited guilt over Section 28. Surely the best way to assuage such guilt is for the Government not to replicate, on one side of the argument, the mistakes their predecessors made on the other.

I can advise this with some confidence because I hereby confess my own error on Section 28, which I supported in the paper I edited at that time. Because I shared the dislike of left-wing councils using schools for propaganda, I was impatient of the practical difficulties involved in the legislation, and I underrated the sense of threat that laws of this nature can carry with them, which the noble Baroness, Lady Hunt, has referred to. Then, many gay people felt threatened. Now, with the Bill, it is parents, church people and some professionals

in the field who feel threatened. I studied the story of Section 28 and I hope I have learnt my lesson. I now apply it more than 30 years later by arguing against this Bill today.

12.48 pm

**Lord Strathcarron (Con):** My Lords, there are many areas of concern with the Bill, as we have heard, but I would like to focus on what it means to parents and children, and to freedom of speech and religion.

As the Bill is drafted, and before the army of amendments surely coming its way, it would become a criminal offence for parents to discuss gender issues with their children. Given that parents will have only their child's best interests at heart, there is clearly no harmful intent, yet, as drafted, the Bill assumes there is only harmful intent. Surely it cannot be right, as a matter of principle, that free speech becomes criminalised when there is no harm intended, let alone caused.

How are these private family conversations discovered anyway? It is possibly because a child tells a classmate or teacher. What then of the teacher? Is he or she committing a crime by not reporting the parents to the police? If she or he does report the parents to the police and the police arrest the parents—who now have a criminal record—what does that do to future family relationships?

But it gets worse. The Bill proposes to ban not only spoken free speech but silent free speech in the form of prayers. Thus, we have a new crime: prayer crime. Ban Conversion Therapy's founders say that a ban must cover “gentle, non-coercive prayer”, before going on to confirm that prayer has a “pernicious power”, and then linking prayer and corrective rape. Humanists UK says that the ban must cover repentances, wilfully ignoring that repentance is a core belief of the Christian faith. As it is drafted, will our own right reverend Prelates also face prosecution, if, for example, at Sunday school they were to read from any of St Paul's Epistles to the Romans, Galatians or Corinthians or from the Hebrews or the Epistle of James? Would imams, rabbis and gurus also not be liable for reading from their scriptures? If they were not reading in English, which seems highly likely, how convoluted will that prosecution be? What effect will that have on community and cultural relations? None of this has been thought through at all.

As with parents and prayers, so with clinicians. As the interim Cass review concluded, clinicians should delve deeply into a child's emotional state, but the Bill would make such exploratory conversations illegal and leave the clinician open to prosecution. As with parents, the clinician would have no statutory defence—an extraordinary state of affairs in itself—which will almost certainly lead to miscarriages of justice.

Talking of justice, noble Lords far more learned than me are certain that, as drafted, the Bill would fall foul of ECHR Articles 8, 9, 10 and 11. I agree with the previous suggestion in this House by the noble Baroness, Lady Burt, that Parliament should not pass Bills that are unlikely to survive a human rights challenge.

The Bill places parents in an impossible situation. To discuss with their child their gender identity and explore the future options will now be illegal. What

[LORD STRATHCARRON]  
remains legal—the Tavistock/Mermaids solution of brain-damaging cross-sex hormones, pubescent breast binders, teenage double mastectomies, physical and chemical castrations, testosterone injections that so ravage the young female body, puberty blockers that lower IQ, breast enhancers and pumping up with steroids and artificial hormones—is all too awful for any loving parent to consider. Faced with the choice between illegal, non-violent, open discussion with their children, and legal but violent and irreversible so-called treatments, I suspect that most parents will now be forced to choose the illegal option.

The irony is that conversion therapy used to mean the type of physical violence that has now been criminalised by other legislation. Yet the proponents of the Bill have no hesitation in inflicting a different type of physical violence on the children of those who oppose them. The Bill fails on many levels, and I fear that no number of amendments will make it workable, but of course we must try.

12.53 pm

**Baroness O’Loan (CB):** My Lords, I suspect that every Member of your Lordships’ House will oppose coercive or violent attempts to change a person’s sexual orientation or gender identity. Such activities are illegal, cruel and damaging, and are to be condemned. Any offence involving physical violence, sexual violence or coercive behaviour in an intimate or family setting is prosecutable under criminal law—nobody should be subjected to such behaviour.

It is not easy to identify the constituent elements of the offence to be created under the Bill. Matters of sexual orientation and gender identity lie at the heart of it, yet they are not defined. Ultimately, people are free to live with the sexual orientation or, to a significant degree, the gender identity they assert. In most cases, gender identity and sexual orientation are irrelevant to a person’s capacity to live their lives to the full as they wish, subject to the law. Some aspects of life make separate provision, as noble Lords have referred to. For example, sports such as women’s rugby only permit players in the female category if the sex originally recorded at birth is female. There are reasons why those decisions are made; they are well-rehearsed.

The Equality and Human Rights Commission, in response to the government consultation on conversion therapy, cautioned that the legislation

“must be carefully drafted ... not to catch legitimate and appropriate counselling, therapy or support which enables a person to explore their sexual orientation or gender dysphoria, and to avoid criminalising mainstream religious practice such as preaching, teaching and praying about sexual ethics”.

It said:

“Encouraging people to comply with religious doctrine that requires refraining from certain types of sexual activity should not fall within the definition of conversion therapy”,

and that the offence

“should not capture communication such as casual conversations, exchanges of views or private prayer, with the distinction defined clearly in the legislation”.

The Bill does not differentiate between children and adults at risk and other adults. In pondering this, I looked at the latest draft guidance to schools about

gender-questioning children, which was issued in December, drawn up by the Department of Education and the Government’s Equality Hub. It provides a very clearly drafted set of principles and proposed practices in the context of the difficulties which have been identified in how to respond to gender-questioning children in schools. The guidance defines gender identity as

“a contested belief. It is a sense a person may have of their own gender, whether male, female or another category such as non-binary. This may or may not be the same as their biological sex. Many people do not consider that they or others have a gender identity at all”.

This very recent definition is useful in attempting to articulate one of the difficulties with the Bill. What it seeks to criminalise, as noble Lords have pointed out, is a

“practice aimed at a person or group of people which demonstrates an assumption that ... sexual orientation or gender identity is inherently preferable ... and which has the intended purpose of attempting to”

change or suppress

“a person’s expression of sexual orientation or gender identity”.

There is no definition of therapy, although it must involve some form of therapy, I think aimed at one person or a group of people.

The words of the Bill, as has been observed, seem to derive from the *Memorandum of Understanding on Conversion Therapy in the UK*, agreed in 2022 by a number of healthcare and counselling bodies involved in medical treatment and counselling. It is not applicable in other circumstances. The Bill appears to make the word “practice” equate to any activity which can be carried out by a clinician, a teacher, a person or a parent who may consistently express certain views: for example, when presented with the child who seeks to transition, that it is not right to give children life-altering drugs when we do not know what the long-term effects of such prescription may be, and who fears that the child may in the future realise that, actually, they want to remain in their biological sex. Or it seems that it would apply to a minister of religion who advocates chastity outside marriage between a man and a woman, in accordance with their religious beliefs.

On the wording of the Bill, it would appear that people in all these categories and others may be at risk of committing a criminal offence simply by engaging in discussions about sexuality and gender. Encouraging a person to think through the factors which have led them to a particular conclusion, and which may be perceived by a prosecutor to demonstrate an assumption, may be considered by others to have an intended purpose, not a result of causing damage or harm. There are no exceptions and no exclusions from the scope of the Bill. There is no consideration of the person’s mental capacity or ability to consent, or of the fact that a person may be seriously conflicted in their mind across a range of issues relating to their identity and may need to explore those issues in a traditional psychotherapeutic or spiritual context with a psychiatrist or other persons.

In the context of the Bill, we need to ensure too that our statutory rights to freedom of speech, expression, belief, and so on, are not unnecessarily or disproportionately reduced. It is most important that people are



protected from abuse or force, but that does not mean that we cannot say something which may trigger someone or cause them distress. In law, part of our lived experience is the process of acquiring resilience so that we are not inhibited by things that are said to us even when they offend, shock or disturb. It is a criminal offence to use threatening or abusive words likely to cause harassment, alarm and distress anywhere other than in a private dwelling. Coercive behaviour is a criminal offence in an intimate or family relationship. Therein lies statutory protection.

There will be those who have beliefs and values, whether or not they belong to particular churches, and want to understand their gender identity in this context or to live in conformity with their values or church's teachings. They may seek spiritual guidance and help. Legislation must make space for that. Interventions may occur at difficult times, in different ways and over long periods. For this to happen, others have to be willing to engage in the conversation or counselling. There is evidence that, if this Bill were to pass, psychologists, teachers et cetera may become unwilling to do so because of the risk of prosecution.

The Bill is stated to apply to Northern Ireland. This is a devolved matter. It is for Northern Ireland's Assembly, which is now sitting, to consider whether and how it wishes to deal with this matter.

The end result of this Bill may be to deter someone from having conversations that may be vital to their mental health and future well-being. The protection of sexual orientation and gender identity is immensely important. For each of us, our identity and sense of self are fundamental to our very being. The Bill is insufficiently precise. It will criminalise people and impose unlimited fines because, in one way or another, without coercive or physically abusive therapy, they have sought to help someone else.

1.01 pm

**Baroness Meyer (Con):** My Lords, I must apologise because much of what I wanted to say has already been said—probably much better than I would say it—but that is the problem of being the 32nd speaker on the list. It also shows that a lot of noble Lords in this House have the same opinion; I am afraid that some of it will be repeated by me.

Many noble Lords have mentioned that the Bill infringes on our fundamental rights, freedom of speech, religious belief and individuals' right to seek therapy. The Bill is also flawed as it conflates sexual orientation with gender identity. These are different terms that describe very different things. Sexual orientation has a clear definition, but gender identity remains ambiguous; its existence is controversial and contested. How can we ban something that no one has been able to define?

Above all, the Bill will have dangerous and unintended consequences, particularly for children. That is my main concern; I am not the only one in this House with such a concern. In Australia, where such a law has been passed, parents now live in fear of being charged simply for trying to get mental health support for their vulnerable children. In the UK, we hear of therapists being unwilling to see children presenting with gender distress for fear of malicious complaints

and professional investigations. If the Bill were to become law, a mother who urges her daughter to think again before taking puberty blockers could be convicted with unlimited fines. As my noble friend Lord Forsyth asked, where do we draw the line on what a parent can say to his or her child?

In short, the Bill will force people to simply nod along with whatever a child with gender dysphoria says. This would let down vulnerable children who need to talk through their mental state and emotions properly, rather than being mindlessly put on a path that may not be the right thing for them. We know that, during puberty, many children feel that they do not conform to sex stereotypes, but that does not mean that the feeling will last. Many studies confirm that gender dysphoria does not persist in most children past puberty. Some children feel at odds with their body as a result of sexual abuse, autism, bullying or any multitude of social and psychological problems. These children need help rather than embarking on life-changing and irreversible surgery, with enormous health risks.

Nothing exemplifies this better than Keira Bell's experiences, as my noble friend Lady Eaton mentioned. She was put on puberty blockers and cross-sex hormones when she was an adolescent. At 20, she underwent a double mastectomy. But none of these procedures helped her. Instead, she became more depressed as blockers stopped her periods and sent her into menopause, and the surgery only made it clear that she could never achieve what she had fantasised about as a child. As she says, it was nothing more than a conveyor belt.

At 22, she decided to detransition. Today, 5 years on, she is living in constant turmoil, struggling to reintegrate into society as a woman with a man's voice, facial and bodily hair, and no breast. What she needed was therapy, support and time to come to terms with her body. Instead, her body was mutilated. She said: "If only someone had provided me with therapy and thoroughly explored my thoughts when I was a teenager—I could have been spared the trauma and I could now be living a much happier and fulfilling life". As noble Lords can imagine, she is strongly opposed to this Bill. She argues that it would reinforce the gender-affirming care that let her down so badly.

This is why, as well meaning as the intention behind it may be, I oppose the Bill and urge everyone in this House to oppose it as well.

1.06 pm

**Lord Young of Norwood Green (Lab):** My Lords, I too congratulate the noble Baroness, Lady Burt, on introducing the debate. I may not agree with her analysis, but it has given us an opportunity to have this debate. The noble Baroness, Lady Meyer, should not worry about repeating what has been said before; it is the divine right of the House of Lords for everybody to do that. Long may it reign. I will try to avoid it, but I am sure that I will fail.

I declare an interest; I am a board member of the lesbian, gay and bisexual alliance. In fact, I am the only straight member on the board, but I sort of try to get over that by saying, "Well, my late brother was

[LORD YOUNG OF NORWOOD GREEN] gay”, as though that gave me some added credibility. I am not sure whether it does, but it is an interesting organisation.

Why did I get interested in this topic? I was not interested in it at all; in fact, I had no knowledge of it whatever until JK Rowling said: “People who menstruate? Wasn’t there a word for this? What was it? Oh, it was women, wasn’t it?”. The very people she had made multi-millionaires, whose careers she had fostered, then turned on her and accused her of being transphobic. This lies at the heart of some of this debate. If you assert that there is a biological identity of people—male and female—you are liable to be accused of transphobia. Actually, it has not happened to me; the people who get accused are mainly women.

Transgender people are a very small section of our country and community, as the noble Baroness, Lady Buscombe, reminded us. That does not mean to say that they should be ignored or in any way discriminated against, and I hasten to add that I would defend to the death their right not to be discriminated against. But that does not mean to say that we should underestimate or ignore the impact on other groups, if we pass the wrong legislation or do everything that some transgender people want us to do. The groups that concern me are obviously children and women. It is women’s safe spaces that have been put at risk. Time and again this has been done, whether in hospitals, mental hospitals or women’s refuges; there have been real risks.

My noble friend Lady—sorry, I have changed his gender—Lord Cashman said that transgender people do not do any harm. By and large the bulk of them do not do any harm, but some actually do. There was an appalling situation. Unfortunately, the noble Baroness, Lady Bennett of Manor Castle, is not here; she lauded the Scottish legislation. Really? Self-identification at 16? There was the case of the transgender woman, who had already been convicted of sexual crimes, who managed to persuade prison authorities and then raped a woman in the prison. Nicola Sturgeon’s response was, “Well, that’s just one incident”, but there have been other incidents. This is not some marginal issue.

I will tell you something else about this that noble Lords may not be aware of. This is a cult—it really is—and it has invaded government departments and the BBC. It is there. It will be interesting to see, in 10 years’ time, whether people will hold the extreme views that are held today.

I congratulate this Government—not the people who have said that we need this Bill; that is not true at all, in my opinion—on two very important things that they have done. I am glad that the noble Baroness, Lady Falkner, is in her place. One of the most important things they did was to appoint her as chair of the Equality and Human Rights Commission. She had the courage to assert this question of male and female sex. What happened to her? There was a concerted attempt to remove her as chair, which was eventually happily defeated.

The other superb thing that this Government did was the Cass review. The noble Lord, Lord Sandhurst, is not in his place, so I cannot congratulate him, but he wins the prize because he was the first person who

mentioned the Cass review—a fundamentally important piece of work that the Government commissioned. What a wonderful woman Hilary Cass is. I looked at the review, and this is her letter to children and young people:

“Children and young people accessing the NHS deserve timely and supportive services, and clinical staff with the training and expertise to meet their healthcare needs”.

That is what we ought to focus on, not some vague idea that there might be people at risk. They are not the challenge that we face.

I do not want to go over my time by too long, but what happened in the Tavistock clinic was a travesty. Significant numbers of people who were dealt with using puberty blockers were on the autistic spectrum and needed very careful handling. We saw a massive increase in young girls who decided that they were suffering from being in the wrong body. If you talk to clinicians who know about this, they will tell you that social media had a huge impact on that. We need to be careful about how we proceed in this area.

The noble Baroness, Lady Hunt, is in her place. I did not expect to hear Julian of Norwich quoted today and I am grateful to her for that—an amazing woman, who said:

“All will be well, and all will be well, and all manner of things will be well”.

We also heard the noble Baroness’s interesting experience. Let me say this: the ability for somebody who is transgender to be here to represent these views is an important part of what we represent. We have moved on from the kind of homophobic situation that was described—

**Baroness Hunt of Bethnal Green (CB):** My Lords, I welcome the kind remarks of the noble Lord, Lord Young, but I am not trans, although I like accessorising. There are many ways to be a woman. I thank the noble Lord for his comments.

**Lord Young of Norwood Green (Lab):** I sincerely apologise. I knew I was on dangerous territory when I said that. I should not have referred to it, but the compliment was nevertheless genuine, and I sincerely apologise.

I was grateful for the reminder of Section 28 and what we should learn from that. It is ironic, because Stonewall, which started out opposing it, then became an organisation that was captured by the cult I have just described.

My noble friend Lady Donaghy said we cannot criticise a Bill for not being well drafted; most government Bills are not all that well drafted and that is why we are here—to improve them. However, I finish by saying that we do not need another Bill in this area. There are plenty of things we can do to improve the rights of women and young children, and another Bill like this is not one of them.

1.14 pm

**Baroness Fox of Buckley (Non-Affl):** My Lords, it is a great pleasure to follow the noble Lord, Lord Young of Norwood Green. It is so refreshing to have a bit of

straight talking and honesty, and an important reminder of the political context for the Bill being put forward—and, in fact, for Bills suddenly jumping up all over the place. There is a political argument going on, and we were reminded of it.

I remind noble Lords that most of us in this House are in the job of conversion, not just the Lords spiritual. If you are in a political party, you want to convert as many citizens as you can to vote for you. As campaigners, we use persuasion to effect change and to win hearts and minds. Despite the qualms of anti-nanny stater such as me, changing behaviour is all the rage in policy circles, not least among the Liberal Democrats. Legislators use sticks and stones and the nudge unit to make us smoke and drink less and walk and cycle more. I note this because we are keen on imposing preferences of how we live on a wide range of issues. I give that as a reminder, as it has been asserted on several occasions: “Who would ever dare impose a way of living on someone? They should live as they want.” If only.

You might say that such conversions are legitimate because they are harmless, but the Bill’s broad drafting does not even attempt to require that any harm is intended or caused. The noble Baroness, Lady Burt, reassures us that good faith, harmless advice and so on are not in target. I am grateful for that, but she also says that it is all about motivation. How will the police and prosecutors assess this motivation? They would have to read minds. More likely, they would read social media, or even public speeches such as these made here today, scouring through everything for evidence of motivation. In that way, the Bill will be used to police views and does threaten free speech across a range of social settings.

I will start with church. I am a secularist, an ardent supporter of lesbian and gay rights, and no fan whatever of religious sexual ethics. The noble Baroness and I agree on religious freedom as a democratic virtue, and I argue that the Bill threatens it. All the world’s great religions are based on predetermined truth claims to which their followers must adhere. Preferences of behaviour and belief are baked in, and, yes, they are often judgmental and require some restraint on personal preferences. Christian teaching on the sacrament of marriage requires suppression of acting on sexual desire before marriage. However loving the church might be to any individual who is gay, the practice of homosexuality is deemed sinful, and therefore anyone who is gay is asked to practice celibacy if they want to be part of the church. You and I might think that such ideas are prosperous, but then the option is to leave the church or the religion, rather than inviting the law in to try to shape religious doctrine.

Every day, in this Chamber, noble Lords recite the Lord’s prayer:

“Lead us not into temptation, but deliver us from evil.”

With this in mind, take the scenario of a young Christian who wants to be delivered from evil and to follow the Church’s teaching, and so asks the vicar to pray to help him avoid sexual temptation. Surely the Bill will turn that priest into a criminal, or could do; after all, the Bill makes no distinction between consensual and non-consensual behaviour. What is at stake here

should concern atheists, agnostics and everyone, because the Bill jeopardises fundamental principles of secular democracy.

To move on, while it is clear what the Bill means by sexual orientation, how would the noble Baroness, Lady Burt, define gender identity, before she tries to embed it in UK law for the first time? It is, at best, a contested concept. I appreciate that a precise, fixed definition might be tricky, when this particular identity can cover over 100 to 300 genders—transgender, gender-fluid, genderqueer, gender-variant, genderless and non-binary. The noble Lord, Lord Young, is not the only person who gets confused. Are all those to be covered by Clause 1?

As has been explained so well by the noble Baroness, Lady Ludford, we now have evidence that sexual orientation is being sidelined in the medical and cultural enthusiasm to affirm and champion gender identity. Definitions are also muddled by the forced marriage of “LGB” with “TQI”. There is no connection between being same-sex attracted and a desire to change gender. In fact, many lesbians and gay men feel that homophobic pressure is being exerted on them to drop their exclusive—and, yes, predetermined—sexual preference for the bodies of those born to the same sex.

Can we at least recognise that this is a very complicated and very contentious issue? A Bill such as this does nobody any favours. I ask every political party to keep well away from this. It will poison even more the well of free speech, intergenerational relations and our relations with each other on a topic that is toxic enough.

1.20 pm

**Lord Hannan of Kingsclere (Con):** My Lords, to what problem is this specific Bill a remedy? We already have strong and effective laws against quackery and mis-selling, against coercion and control, and, of course, against harassment and physical abuse. Some are ancient common-law guarantees, some legislative. The Public Order Act 1986 defines harassment in a way that I think would cover the concerns raised by most of the supporters of the legislation in this debate. The Serious Crimes Act 2015 deals with coercion and control within families. So I am bound to ask: is this Bill a proportionate remedy to an identified problem or a way of sending a signal? Is it a form of declaratory legislation? If it is the latter, it opens the door to all manner of unintended consequences.

Given that we live in an age when people often struggle to distinguish general principles from the specific case, I ought to add that I have always been something of an outlier in pushing for gay equality. When the noble Lord, Lord Moore of Etchingham, was against Section 28, I was a teenager and strongly in favour of it. In fact, I was in favour even when it started life as Section 27, which some will remember before it was amended in legislation. I then went on in the 1990s—again very unusually as a Conservative—to be an outlying supporter of civil partnerships and the equalisation of the age of consent.

At that time I was, in fact, working for the noble Lord, Lord Moore of Etchingham. I was a leader writer at the *Daily Telegraph*. He is the politest and

[LORD HANNAN OF KINGSCLERE]

most civil of men so he did not show any sign that he thought that I was a complete lunatic but, courteous as he was, I could tell that he thought I was quite an extremist on the subject. None the less, I stand by what I thought then, partly because equality before the law is an important principle but mainly because privacy, the recognition of a private space and the dignity of individuals is a key principle, whether we are talking about gay people or about people with religious convictions. What they do is their business unless it becomes harassment or coercion of somebody else.

The noble Baroness, Lady Burt, introduced this Bill by saying that we do not want to trample on free speech but we do want to prevent these abuses. That, it seems to me, is exactly where the law stands now. So, before rushing to legislate further, we need to ask: have we exhausted every existing remedy? We heard some lurid stories from the noble Lord, Lord Cashman, about electric shock therapy and so on. I have never heard any suggestion that that is happening in this country. Are we legislating against something that does not happen in order to send a signal? If we are, that is almost a definition of laws that have unintended consequences.

Legislation should be our last resort, not our first. As Tacitus put it:

“Corruptissima re publica plurimae leges”;

that is, “The more rotten the state, the more laws it passes”. I believe, like our former Member, the third Viscount Falkland, that

“if it is not necessary to legislate, it is necessary not to legislate”.

1.23 pm

**Lord Curry of Kirkharle (CB):** My Lords, it is a great honour to follow the noble Lord, Lord Hannan of Kingsclere. We have heard some painful stories this afternoon—it was very moving to hear the experience of the noble Lord, Lord Paddick—but we need to remember that, as the Minister for Women and Equalities said in the other place,

“we can tackle these issues with existing law”.—[*Official Report*, Commons, 30/11/22; col. 886.]

Advocates for a Bill against conversion therapy cite forced marriage, physical abuse, coercion, threats of physical violence and verbal abuse as some of the practices that need to be prevented. Thankfully, however, there are already laws on our statute book dealing with these things. As has been stated numerous times in the House today, the UK has an array of laws already in force that rightly prohibit genuinely reprehensible behaviour of the kind sometimes identified by advocates of new legislation. We do not need this Bill to deal with those things; we simply need to enforce the existing law.

Therefore, we need to ask what else the Bill seeks to address. My great concern is that what may be regarded as conversion therapy by advocates of the Bill is not abuse but the expression of certain opinions. Definition has been cited already as a major concern. The Church of England paper which we referred to earlier states that there is no clear or fully agreed definition. The Ban Conversion Therapy campaign includes controversial groups such as Mermaids and Stonewall. In one of its

briefings, it calls for private prayer and casual conversations to be brought within the scope of the Bill. Could private prayer and casual conversations fall within the present Bill? I fear that they could. We could see innocent people criminalised for everyday conversations—not for brutalising people, not for some violent programme of brainwashing but simply for talking with other people.

We must not allow this to become a new speech crime, where those who are deemed to hold wrong opinions are prosecuted for mere words. It would be a disaster for free speech and religious freedom. The noble Baroness, Lady Burt of Solihull, was recently appointed as a patron of Humanists UK. I wonder whether she agrees with its response to the government consultation on banning conversion therapy, which says that a Bill must cover

“verbal communications ... such as confessions/repentances”.

As has been stated, central to the Christian faith is the call for all people to turn to Christ for the forgiveness of their sins. This necessarily involves confession and repentance. As the noble Baroness, Lady Foster, has firmly stated, these are ongoing and necessary aspects of living the Christian life for millions of people in this country.

Article 9 of the European Convention on Human Rights protects freedom of religion and belief—not just the freedom to believe things in your head but to explain your beliefs to others and invite others to embrace them. It protects the freedom to change your religious beliefs and thousands do, every year. The freedom to repent protects what Christians call conversion, which is essential to the Christian experience. On that note, I am rather disturbed to see “conversion” used in the title of the Bill in such a negative sense. The experience of Saul of Tarsus on the road to Damascus was an amazing, positive experience and has been for millions since. Like the noble Baroness, Lady Fox, I am an enthusiast for conversion.

I had planned to reference what has been in place in Victoria, Australia, but the noble Lord, Lord Farmer, has very powerfully explained the risks of going down that route, as has the noble Baroness, Lady Meyer. Such a law would be wholly intolerant of Christians who hold orthodox convictions. Such beliefs may no longer be fashionable, but should it really be illegal to invoke them in your prayers?

Returning to what I said at the very beginning, the UK already has comprehensive laws against abuse and coercion. Victims should be helped to pursue justice within the current legal framework. New legislation in this area is not only unnecessary but, as has been said a number of times, dangerous, since it threatens to criminalise harmless behaviour.

1.28 pm

**The Lord Bishop of Guildford:** My Lords, the use of coercion to seek to alter the sexuality or gender identity of another person, whether medical, psychological, spiritual or otherwise, is clearly an abhorrent abuse of power. If there is a gap in the law at this point—I leave that question to those who are more expert in the law than I am—it needs to be filled. The Church of England has given serious thought to coercion in recent years,

as we have become more aware of the dangers of controlling and bullying leadership styles and the toxic cultures that they can engender. In that sense, I welcome at least part of the intention of this Bill—to protect vulnerable LGBT adults and young people from such potentially abusive and harmful environments and behaviours.

However, I share with many others across this Chamber a sense of deep alarm at the almost unlimited reach of the Bill as drafted, in which no attention is given to questions of consent, harm, vulnerability or the use and abuse of power. Instead, it appears to introduce blanket bans on certain ways of behaving, even certain ways of thinking, within the workplace, school, church, mosque and even the family. At the very least, it creates a culture of fear across the board—a kind of chill factor, especially for those who may not be fully signed up to the current societal orthodoxies.

Following her opening remarks, I do not believe that to be the intention of the noble Baroness, Lady Burt, and I have sensed her frustration when this theme has come up time and again. I welcome her assurances here, but Acts of Parliament are necessarily judged on their actual wording, rather than the intentions of those who move them. The actual wording of this Bill has wide-ranging implications for a range of freedoms under the European Convention on Human Rights, as has been pointed out by many others in the Chamber. Nuance is everything here, as the Church of England's recent guidance on conversion therapy makes clear, but this Bill is in danger of promoting a world in which all right-minded people are expected to behave and even think alike—even in contested areas such as gender identity or the often complex world of bisexuality.

I think, for example, of a teenager in my diocese who has gender dysphoria and is on the autistic spectrum. Aware of the repercussions of life-changing decisions through medication and surgery, this courageous young person has agreed to the parental suggestion of psychotherapeutic support in a process known as “watchful waiting”. How would that situation be treated under the precise wording of this Bill, rather than its intention? How would that teenager's loving parents respond, say, were it to be claimed by a teacher at school that their behaviour fell within its ambit? Whatever the intentions, the fear would still be there—and a justifiable fear. After all, watchful waiting might well be interpreted as a delaying tactic, suppressing their child's expression of gender identity out of some form of bias or prejudice, with a fear of an unlimited fine as the only real alternative to unquestioning affirmation.

I also think of a man in my earlier experience as a parish priest. He was married but bisexual and came to me to ask for prayer that he might resist the temptation of cheating on his wife. Did my prayer—for which he was deeply grateful—demonstrate

“an assumption that any sexual orientation ... is inherently preferable to another”?

Or did it have

“the intended purpose of attempting to ... suppress a person's expression of sexual orientation”?

Well, I think it probably did. Anyway, it would certainly be the cause of real fear for a parish priest—or indeed an imam or rabbi—simply doing his or her job in

prayerfully supporting a parishioner's resolve to obey the seventh commandment and to be faithful to his marriage vows. These may be unintended consequences of the Bill as it stands, but they illustrate the deep concerns shared, I know, by many in this House when it comes to such a fundamental shift in the relationship between the state and individual freedoms, not least our proud history of freedom of religion or belief.

A free society is right not to tolerate violence, abuse or hate speech, and there is already a raft of legislation that covers those areas. If coercive and controlling attempts to change someone's sexuality or gender identity are not covered by that raft, as may be the case, it needs to be extended somewhat further. Any extension, however, must be commensurate with the scale of the problem we are looking to address. Otherwise, we are in danger of criminalising potentially millions of citizens who are living by their own convictions, whether religious or otherwise, without an ounce of malice or hatred in their hearts; or, at the very least, of causing them to live in fear of a knock on the door from the police or social services, followed by months of uncertainty and stress.

We may need a Bill, in other words, but one that is carefully written to ensure that basic freedoms are not unwittingly undermined in the process.

1.34 pm

**Lord Herbert of South Downs (Con):** My Lords, I draw attention to my unpaid interests declared in the register as the Prime Minister's special envoy on LGBT rights and chair of the Global Equality Caucus.

To try to change, cure or suppress someone's innate sexual orientation is harmful and cruel. While in a medical setting conversion therapies are now declared unethical, they continue in the private sphere. If they reach the current legal threshold of physical or sexual violence, they may already be criminal, but some systematic attempts to convert gay people fall below that threshold, so damaging practices cannot be prevented. We know this through survey evidence as well as the powerful personal testimonies of victims.

The Government themselves have said that there are gaps in the law and have promised to close them. In doing so, a new law needs to set the bar in the right place. The mere expression of disapproval, the exploration of someone's identity or genuine help for people with no predetermined outcome in mind should not be criminalised, and nor should private prayer. We should never legislate lightly in the religious sphere, but Parliament has done so before in order to prevent harm. For example, we do not allow any faith group a licence to promote hate.

A growing number of countries around the world have passed various forms of prohibition on conversion therapy, usually without the opposition we have seen here. The vast majority of bans explicitly allow for conversations, medical procedures and therapies that aim to explore or affirm a person's identity, including those in Belgium, Canada, France and Germany. Canada's Conservatives did not blink at passing a ban. Many other countries are in the process of legislating or are considering legislating.

[LORD HERBERT OF SOUTH DOWNS]

Yet here we are paralysed by the conflation of the need to protect vulnerable people who are being exploited by coercive and abusive practices with a separate debate about medical provision for young people with gender dysphoria. I agree that we need to ensure that children are protected. It should be perfectly possible to write in safeguards ensuring that family conversations and neutral professional interventions are not outlawed. Legislation in New Zealand, for instance, clarifies that questioning someone's gender identity does not fall under a ban.

We should not allow, and there is no need to allow, people on either side to use legislation as a vehicle to promote their particular views on gender. I hold no brief for gender ideology. I am no fan of the language police and their ever more absurd acronyms. I have argued that to dismiss out of hand the genuine concerns of women about fairness in sport or safe spaces, or of parents about the welfare of their children, is ill-advised and wrong. However, it is equally wrong to vilify transgender people or to use language that denigrates them. We need a compassionate, respectful and moderate debate about the real issues that arise through a potential conflict of rights. I have called for a royal commission to investigate these issues calmly and dispassionately, to get to the facts and to make recommendations for any changes in law or practice that are needed. I am not referring to today's debate, but the more that I hear of the wider discourse, and the more that I see crude culture wars carelessly fought, the more sure I am that such an inquiry is needed.

If noble Lords had met, as I have, people who were subjected to conversion therapy and who still bear the mental scars of what, frankly, amounted to a form of torture, I do not think they would be so dismissive of the need for greater legal protections. If they find it impossible to put themselves in the shoes of a young man who is struggling with his sexuality being told that his feelings are wrong and being beaten down, I ask them to engage in this thought experiment: imagine a different world in which homosexuality was the norm. I appreciate that for most of my noble friends this would be a definition of hell, but imagine that parallel universe nevertheless. Imagine yourself growing up with strong heterosexual feelings but being told that they were profoundly wrong. Imagine what it would do to you to try to suppress or deny those feelings. Imagine if those around you were determined to change you, to make you gay, and could bully you with impunity with that objective. How do noble Lords think they would feel?

In his autobiographical novel, *Boy Erased*, which was made into a moving film, Garrard Conley, who was subjected to distressing conversion therapy in a Christian institution in the US, writes that

“even if I no longer believe in Hell, I will continue to struggle with the fear of it”.

We should not stand by and allow these harmful practices to continue. Yes, we must frame the law carefully, but the time to outlaw this abuse is long overdue.

1.40 pm

**Baroness Barker (LD):** My Lords, this Bill addresses an abuse that has long been acknowledged. The noble Baroness, Lady Buscombe, asked us to think about the history surrounding this issue, but I would like to suggest that we should consider the context in which this debate is happening. It is against the backdrop of an international campaign to roll back women's rights and LGBT equality. The ultimate purpose of this campaign is to eradicate human rights. It is a campaign that we see every day in our media as trans people are daily depicted as being somehow unacceptable.

Today we are debating a specific measure about outlawing a particular practice: conversion therapy. There is a need for this measure. It is needed, first, because, despite many noble Lords saying that existing legislation covers different practices, we know from individuals that these abuses go on. Not only do these abuses go on, but they continue in two places of specific importance—within religious settings and within psychotherapeutic and counselling settings. These are two places in which people are particularly vulnerable. It is for that reason that I think my noble friend's Bill is an important contribution.

The noble Baroness, Lady Noakes, derided the testimony of people who have been through this and said that it was not proper evidence. She said that we must wait for there to be random controlled trials. There will be no random controlled trial in which those who have been subject to abuse are compared with those who have not been. No ethics committee would ever agree to such a thing. We have to rely on the testimony of individuals and I think that we should believe them.

Secondly, there is a need because the profession of counsellors and psychotherapists is one in which it is difficult to have regulation. My noble friend Lord Alderdice has been trying for over a decade to bring about an agreement on regulation in that field and he has not succeeded. Therefore, anybody can set themselves up as a therapist. That being the case, it is necessary for us to make sure that these practices are not there to be used abusively towards individuals.

Thirdly, on religious organisations, it is important that we recognise that religious organisations can believe what they like and say what they like. To a large extent, they can do what they like in a furtherance of those beliefs, provided that they do not cause harm. That is where my noble friend Lady Burt's Bill is trying to draw the line. Many people will benefit from that, not least the majority of members of religious organisations and faiths who wish to be free of allegations of abuse. The profession of their faith does not depend on causing harm to other people; they would never countenance it. Many of them wish to be dissociated from this and not be tarnished with these practises.

Finally, on freedom of speech, individuals remain free to think what they like. They can say what they like. Individuals are free to hate LGBT people. Individuals are quite able to say that we do not deserve to have equality in society. That will continue to be the case. They can even pray for us not to have equality. But noble Lords have to understand—as we have done in other circumstances, particularly when we have argued

the case for safe access to abortion—that there are times and occasions when prayer has been weaponised as a political tool. Therefore, we need to question some of the assumptions about the actors in these religious organisations always being benign.

All this Bill seeks to do is to make sure, particularly in situations where individuals are vulnerable, that they are not subject to abuse. We know from history that the psychiatric profession can be open to abuse and political manipulation. All we are trying to do in this Bill is to prevent those excesses and to make sure that everybody, no matter who they are, is safe.

1.45 pm

**Lord Jackson of Peterborough (Con):** My Lords, I begin by addressing one of the claims made in support of a new law on conversion therapy. I hear regularly that Conservatives must support a Bill like this in order to keep our manifesto promise, but in fact a conversion therapy law was not part of any party's manifesto at the last election. *Forbes* magazine's LGBT correspondent decried that state of affairs in 2019, saying:

"None of the major U.K. parties has listed a ban on LGBT+ conversion therapy as a manifesto policy".

The public have never voted for a law like this and we are not bound by any manifestos to support this or any other Bill.

We know that horrendous things happened to gay people in the past, but we can be thankful for good legislation that protects gay and trans people from abuse and coercion. But the impression given by those pressing for this law is that gay and trans people are being abused in their thousands by churches and therapists and that there is nothing the law can do about it. If a gay or trans person goes to a therapist or a church and they feel that they have been abused, they should report it to the police. If what they heard breaches the existing law, the CPS can prosecute. Of course, if it does not breach the existing law, that means that whatever was said to them was not abusive. They might have had an unpleasant experience, but you cannot criminalise unpleasantness. People have choice and agency. Groups such as Stonewall have calculated that a new conversion therapy law is their best shot at silencing dissent. They have realised that a law that prohibits people from suppressing trans identities is effectively self-ID by stealth, because anyone who disputes someone's trans identity could find themselves having to answer to the police and the criminal courts.

If you read the details of these self-selecting surveys carefully, a different picture emerges. Many of the people reporting conversion therapy had merely prayed alone that God would change them. Is that what we want to criminalise? Do they expect people to turn themselves in to the police for praying for themselves? There is a great woolliness in the discussions about banning conversion therapy, which are emotive and often based on anecdote, but that does not provide a basis for legislation. Reference has been made to the national LGBT survey under the May Administration, but what needs to be noted is that that survey forgot to define what conversion therapy is, forgot to ask whether the experience was historic or recent and forgot to ask

whether it took place in the UK or overseas. Legislating for something that we cannot define and cannot even prove exists is dangerous and cuts across the European convention rights in Articles 9, 10 and 11. It will inevitably mean trampling over the rights of innocent people.

Reference has been made to the Scottish Government, who have spent two years working on a 12-clause Bill for consultation. The public perception has been disastrous, with front-page banner headlines about parents of gender-distressed kids facing seven years in jail for not going along with their transition. That Government introduced a broad law that required the statutory equality body to produce guidance on the law. That guidance says that

"not affirming someone's gender identity"

can count as conversion therapy and it is said to be illegal for parents to refuse to support their children receiving puberty blockers. Is this the sort of law that your Lordships want to impose on the population here? It is a law that takes children from their loving parents for helping them feel comfortable in their own skin and that rewrites mainstream religious belief. If noble Lords think, "That's okay. We would never have a law like that here", look at the law in Victoria, which is the template Stonewall legislation. There are no safeguards in the Bill of the noble Baroness, Lady Burt, and the fines are unlimited.

There are two options, which can be summed up by the approaches of the Netherlands and Sweden. In both countries, legal assessments were carried out to see whether a law on conversion therapy was needed. In both cases, the assessment found that abusive practices were already illegal. Both said that sending a signal is not a good enough reason to legislate.

In the Netherlands, politicians have decided to press ahead anyway; they say they want a new law for situations where "no abuse takes place"—but at least they are honest. In Sweden, on the other hand, it looks as though the Government may do the sensible thing and drop the plan.

Finally, the Bill as drafted is a dangerous attack on civil liberties, on religious freedom and parental and wider human rights; it is socially divisive and unnecessary. Noble Lords must at the very least amend it and, preferably, reject it.

1.50 pm

**Baroness Kennedy of The Shaws (Lab):** My Lords, back in 2020, I was asked to chair a legal forum on this very issue. It involved a number of parliamentarians and leading lawyers, and it was sponsored by the Ozanne Foundation. It produced a report, called the Cooper report, named for a very distinguished lawyer who unfortunately died suddenly, still young, of a heart attack—Jonathan Cooper. He was the founder and instigator of many of the changes that we have heard discussed today to basically remove the terrible discriminations faced by the LGBT community.

The Ozanne Foundation is led by a woman called Jayne Ozanne, who is an evangelical Anglican and Christian of deep faith who campaigns for LGBTI inclusion and does a lot of incredible work with faith

[BARONESS KENNEDY OF THE SHAWES]

organisations across the piece. She herself has written and speaks very powerfully about her experiences of being treated to the most terrible form of conversion therapy within her own evangelical community. She was to be cured of her perversion, which had terrible consequences for her mental health—and as a young woman, she had a breakdown. She is an impressive advocate for change, as is the noble Lord, Lord Herbert. I know that he knows her. She has shed the shame that she was filled with, and she can give much of the evidence, to which he referred, of the terrible damage done to young gay people and young people questioning their gender identity by virtue of the sort of therapies that we have heard discussed.

One of the key purposes of law is to prevent harm, which is not confined to physical harm. It is interesting that we have introduced the whole understanding of coercive conduct into domestic violence and abuse and recognised that it does not have to be about battering someone—but noble Lords would be surprised at the number of domestic violence and abuse cases that involve the first beating for being gay coming from a member of the family, from fathers outraged at the horror of their sons possibly being gay, and indications of that, or from older brothers or other family members, or from schoolmates or others in the community. The shame that carries with it lives on, at huge cost to the individual and to society as a whole—that self-loathing that has been described.

The mental health consequences are very real. I could give you case after case of research projects conducted on young people, and their suicidal thoughts, their attempts at suicide and self-harming, and how it is a much greater problem than it is for ordinary children in our communities, who already show higher signs of it in these days of social media. We cannot possibly deny that there are problems around this issue. I am in the Butler-Sloss school on it. We have to do something about it. However, I also pay tribute to the noble Lord, Lord Herbert, for his speech; I echo his important sense that we have to stop the business of there being sides to the argument. I have argued and fought for women's rights all my life, but I also did the first transgender case—or transsexual case, as it was called then—in 1995 before an international court. The case was to end discrimination in the workplace against transgender people. I have lived alongside people and, over the years, have acted for people who have transitioned their gender and have gone on to experience the most vicious assault, including rape. Let us not minimise the consequences of cruelty in our society in our efforts to find ways to deal with it.

There are people calling themselves therapists, healers, counsellors, even hypnotists, and they promise a cure. Be very clear: we are not talking about praying so there is no temptation, we are talking about people promising a cure. Often, people are urged to go to these people and their numbers are passed along to them, and no efforts are being made to prevent the faux therapy or quackery that is involved.

The House should also be aware that people from minority communities are sent abroad—just as we discovered happened in FGM—to have conversion therapy. When we say we do not hear about any of it,

it is because it is closeted. We do not hear about it because it is kept closely under wraps. We should be clear that it is a serious problem. I want to take part in debates around health issues, research that needs to be done about the possible consequences or hormonal treatments and so on—these things should be discussed. However, they are separate issues from whether we should allow people to be faced with this kind of disgraceful and punitive so-called treatment.

Finally, I pay tribute to the noble Baroness, Lady Hunt. I thought her speech was moving, affecting and she delivered it with great humanity and compassion. Let us find our humanity and compassion. Let us not be divided on the issue. We must find the best ways to prevent people from being harmed: that is what it is about.

1.57 pm

**Lord Trevethin and Oaksey (CB):** My Lords, it is a great pleasure to follow the noble Baroness, Lady Kennedy. I entirely agree that today's debate and the subject generally is not the right place to be taking sides. The debate is not being conducted in the manner in which the culture wars rage. I also echo what she said about the exceptionally powerful and moving speech from the noble Baroness, Lady Hunt.

That said, I will make some observations about the potential legal consequences of a Bill like the one before the House today being enacted. If one is going to criminalise conduct in such a sensitive and contentious area, then it is essential to draw the line between that which is criminal and that which is not criminal with great care. The danger is not so much a risk of convictions and draconian penalties being imposed by the court, because the courts will probably act sensibly if and when cases are brought before them. The danger is more of a weaponisation of the criminal process by parties who are ideologically motivated in relation to these matters one way or another.

One speaker referred to the prospect of teachers reporting parents to the police. One can imagine, in an unhappy situation of divorcing parents, one parent reporting the other to the police for taking the wrong position on the child's intentions. There are also issues with the actions of priests. It is the risk that the criminal process may be weaponised that we should have very much in mind.

Given that risk, imprecision in a Bill of this type is very dangerous. I want to use the time I have to make one or two observations about what are, with respect, unsatisfactory aspects of the Bill's wording. I start with "practise" and "practice", which appear in subsections (1) and (2) of Clause 1. They are dangerously ambiguous words. This has caused problems in the context of employment law. Does it mean—can it be constituted by—a single act or conversation, or does it have to be something rather more long-running? Does it in some way connote the offering of professional services, as in the sense of a doctor's or solicitor's practice? These ambiguities are unhelpful.

Then there is the strange word "assumption". That is an odd word to find in a criminal statute, as another speaker mentioned. I suspect it is a synonym for "belief". If it is, "belief" should be used because that



would bring into sharp focus the arguable tension between this Bill and the rights in relation to religious freedom and religious expression that are contained in the convention. I make that respectful suggestion.

Then there is the odd word “inherently” in the phrase “inherently preferable”. What does that mean? I take it to mean that what has to be demonstrated is an assumption or belief that a sexual orientation or gender identity is preferable in all circumstances, irrespective of the particular circumstances and characteristics of the individual concerned. If I am right, it tends to suggest that what the Bill is really driving at, to some extent, is what Orwell would call “wrongthink”—the wrong sort of belief and one that is disapproved of. Clarification and the use of more precise language might bring these matters into sharper focus.

Then there is the phrase “has the intended purpose of attempting to”.

It is a little drawn out, but I think it means “is intended to”. In law, you are presumed to intend the normal consequences of your acts, but how will intention be proved here? The clause mentions intention to change gender identity. What is gender identity? No definition is provided by the Bill.

In my remaining time, I want to focus on one type of situation that will certainly arise. What is the Bill supposed to do where there is genuine confusion and uncertainty on the part of the child or adolescent as to the question of gender, as there often will be? Can one be criminalised for attempting to change gender identity where there is real doubt as to the true position on gender identity? The Bill is silent on that. Where does it all get to?

Posit a situation in which, one day, an adolescent girl goes to her mother. She is troubled for whatever reason—she is approaching or going through puberty, for example, or is facing all the difficulties that arise at that time in one’s life—and says to her mother, “Mum, I am now identifying as a boy”. A few days or months later, the girl might say, “I have ceased to identify as a boy. I have decided that I am gay”. What does that situation require? It requires compassion, empathy, love and curiosity. What it does not require is a situation in which that child would arguably be delivering the caution to her mother—“Whatever you say may be taken down and used in court against you”—and in which the mother would be well advised to say, “No comment”. That is what happens when one criminalises, or is in danger of criminalising, communications of that nature.

A Scottish KC described the similar but much more extensive proposed legislation in Scotland as a jellyfish—something that it is impossible to get hold of but has a sting in the tail. It is not that far wide of the mark. The Bill is clearly borne of excellent intentions, but I very much doubt that it is curable by amendment.

2.04 pm

**The Earl of Leicester (Con):** My Lords, I will describe what can, and in many cases does, happen if conversion therapy—a pejorative description; I would prefer to call it “psychological inquiry”—is not employed to gently tease out of an individual the reasons that they

believe they are born in the wrong body or need to die to be reborn. What other issues might be at play here—unhappiness at home, internalised homophobia, mental health issues, autism, bullying, a child in care or exposure to extreme and violent pornography? Will a new trans identity solve all those problems? It may solve a few, but not a majority. In all cases, psychological investigation should take place before affirmation of the gender identity, prescription of puberty blockers and more take place.

The argument that puberty blockers are reversible is a complete lie. They set children on a pathway to further steps that have indisputably irreversible consequences. The Cass review highlighted that data from both the Netherlands and the study conducted by our own GIDS demonstrated that almost all children, 96.5%, and young people, 98%,

“who are put on puberty blockers go on to sex hormone treatment”.

By contrast, prepubertal gender confusion resolves in up to 90% of cases if the child is allowed to go through puberty naturally. Gently discussing these issues allows time for that natural process.

Dr David Bell asserts:

“Once you start them on that path, it creates a self-fulfilling prophecy”.

That is borne out in the testimony of several detransitioners, such as Ritchie Herron. He describes a “conveyor belt system” that is “all affirmation, no question”. That extends to cross-sex hormones, which have irreversible consequences such as sterility, and thence to surgical intervention. Herron had surgery in 2018 but was left infertile, incontinent and in pain—all conditions he will suffer for the rest of his life.

I will speak of another detransitioner who realises what a terrible mistake she made. She was not given any psychological therapy. Her gender dysphoria was not questioned, and she was met with constant affirmation. Here I agree with the noble Baroness, Lady Hunt. I congratulate her on her well-reasoned speech and commend the curious approach, but I disagree with her on the point of affirmation. If an anorexic child believes and states that she is not thin enough, doctors and therapists do not affirm that, because it is patently not true. It would be ridiculous to say to that young girl, “We affirm your views. You must lose more weight”.

Much has been said about Keira Bell, so I will not repeat that. This has not been said: as a young girl, she was a tomboy; as she grew up, she developed feelings of same-sex attraction and thence internalised homophobia. She was from a broken home; her mother was an alcoholic and she went to live with her father, who kicked her out. Her only option was to live in youth hostels. In her vulnerable condition, she came upon the enticing idea of changing sex as a means of finding the solution to happiness. She got a referral to GIDS—we know about that. The NHS website still states the following—we checked it yesterday—on puberty blockers:

“Although GIDS advises this is a physically reversible treatment if stopped”—

I think that GIDS has been somewhat discredited—“it is not known what the psychological effects may be”.

[THE EARL OF LEICESTER]

Puberty blockers do not just stop puberty; they stop the most important part of growth as you go through puberty.

Physicians knew she was from a broken home and suicidal; that should have been explored to find out what the issues were. You heard all the things that happened to her. Every development worsened her health. At 22, she realised she had gone down an irreversible road, so she tried to arrest the decline by stopping the hormones. She has been left deeply unhappy and desperately trying to live a normal life as a young woman. Yesterday, she told me that

“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”.

In view of heartbreaking stories such as those, from the ever-increasing number of detransitioners, is it surprising that parents would want to protect their children from stepping on to this conveyor belt? The vague drafting of the Bill will risk criminalising such parents.

Therapy is desperately needed to counter the affirmation narrative. What we are seeing here, with the stories of Ritchie Herron, Keira Bell and countless others, is an appalling lack of care. I am afraid, with the sterilisation of children and mutilation of young adults' bodies, we are stepping into Dr Mengele territory in the 21st century and in a western democracy. This is the real conversion therapy: physically trying to change the sex of a beautiful young girl into a boy, then failing, and with no post-operative guidance. It is ideologically driven and not necessary.

2.10 pm

**Lord Frost (Con):** My Lords, it is a pleasure to speak at the end of such a fascinating, interesting and important debate. I imagine we have all heard things—personal experiences, reflections, arguments—that have made us think harder about our own assumptions in this complex area. I certainly have, but I am afraid nothing has shaken my basic view that this is a bad, poorly written Bill, which, if it ever became law, would have a number of rather damaging consequences.

I have certainly not been persuaded by anything I have heard that there is a genuine problem with violent or coercive conversion therapy in this country. These things are, after all, already illegal. What worries me is that the effect of the Bill would be—as we have heard from many noble Lords—to criminalise a much broader range of actions and interactions. The consequence of that—and maybe this is one of the underlying purposes of the Bill—would be to reinforce a tendency towards control and conformity that is already very evident in our society. That is what worries me. The Bill does it in three particular ways.

First, it begins the process of giving legislative force to the controversial view that simply hearing opinions that you do not agree with can in itself cause harm and should therefore be made illegal. This is a damaging proposition anywhere, but it is particularly harmful in this area, where individuals differ and where, as we have heard, there is far from societal or expert consensus—thus, free debate and discussion is vital if we are going to find the right solutions.

Free society works on the opposite principle to that. It works on the principle that everyone has the right to reach their own judgments and opinions, and equally, that every adult has the right to ignore such judgment and opinions and do what they want within the law. Once we question that principle, as the Bill begins to do, we are changing the nature of society. We are asking the state to be our parent, to protect us from uncomfortable concepts and challenging ideas. The only way the state can do that, effectively, is to define which opinions are acceptable and which are not.

That leads to the second problem: that the Bill is another step towards creating in practice a state ideology of approved and unapproved ideas. After all, without such an ideology, how do you know which opinions can be safely expressed and which cannot? In fact, we have already gone some way down that road. It is not possible to hold certain jobs in the public sector without signing up to—or at least not publicly dissenting from—a set of controversial beliefs about diversity and inclusion. The Bill would take it further into wider society. It would make it illegal for religious leaders with their flock, parents with their children, psychologists or psychiatrists with their patients, to express some of their profound disbeliefs, or even to broach certain ideas. Indeed, in some cases, such people would seemingly be required by the Bill to actively say things they do not believe in order to avoid prosecution.

That is obviously a problem in itself, but it is also a problem because in modern conditions, such a state ideology will inevitably be aggressively secular—not just neutral, as between different belief systems, which is what many of us think of as secular, but rather one that requires conformity to a particular set of propositions. This is the third way the Bill shapes society more broadly. These are not propositions shaped by traditional values, beliefs or an established philosophical code, but propositions defined by opposition to those things, in which there is no room for such beliefs. That is what the Bill represents, and it is why it is another step towards pushing religious beliefs out of mainstream debate. If it is not slowed, before long we will find that religious beliefs may be held in private, may occasionally be referred to in public—like a dark and shameful secret—but may never be actively brought into the public or professional square. When we reach that point, which is perhaps not far off, if you believe God created men and women in male and female bodies, you had better keep it to yourself, because the state may think differently.

To conclude, I am sure some noble Lords will listen to my remarks and think I am simply exaggerating. They may be saying to themselves, “How do you get from a Bill that purports to be about treating everybody decently and fairly to this nightmare vision of state-controlled speech?” In answer to that, it is precisely in these liminal, border areas, these marginal cases, that new directions get set. Of course, every human being needs to be treated decently and fairly, because everybody has intrinsic value. However, the catch comes when we go on to identify that fair and decent treatment as necessitating that no one should ever hear anything challenging to the beliefs they hold, even if they have chosen to hear that. We cannot ensure that in a free

society, and trying to do it takes us down a very difficult road. The only thing we can reliably ensure is the right to disagree, to stop listening and to walk away. However, we have that right already. Do not let us start taking it away. Let us reject this Bill.

2.16 pm

**Lord Scriven (LD):** My Lords, your Lordships are probably as surprised as I am to see me winding up from our Front Bench on this. That is because, even though I am an openly gay man, I have never got involved at all in the wider debate on gender identity. I understand there are very strong and passionately held views on both sides of the debate, and there is a lot about personal identity—what it is to be a woman or to be transgender. I have listened carefully, and I will continue to do so. However, I am afraid that sometimes in this debate we have done exactly what society has done: we have polarised ourselves around an argument which I believe not to be true.

I come to this debate with a sense of wanting to listen; the debate has raised some quite important issues and some important points of law and of clarification. That is this House at its best, with Members listening and debating with each other about points if something is going to become law. However, I come here as a human being with a sense of humanity, decency and empathy, trying to do my best as a legislator for our fellow citizens. I am sure that all noble Lords have come to the Chamber with that view.

I have also come with one principle. Would I support degrading, hurtful, damaging practices on a fellow human being? I am sure all noble Lords would say, “No, that’s not something that we would want”. However, I find it quite strange that when we then put a label on some individuals, some people start fraying at the edges because it does not fit to a norm which we hold, and we want our norms enforced on others. That cannot be right.

I have listened to this debate carefully. In fact, I threw out what I was going to say; the noble Lord, Lord Forsyth, has seen me scribbling on my phone quite a lot during this debate, because I have been trying to respond to what has been said. The argument against my noble friend’s Bill comes down to four reasons. The first one is that there is no need; new laws are not required. In 2021, the Government pointed out very clearly that:

“Our existing criminal law framework means that conversion therapy amounting to offences of physical or sexual violence is already illegal in this country. However, we have identified gaps that allow other types of conversion therapy to continue”, and they identified that we need to close them. They went on to talk about “Targeting talking conversion therapy”: the Government identified that as a potential gap in terms of consent and in terms of some practices.

The Government also talked about “targeting physical acts conducted in the name of conversion therapy” by pseudo-psychological therapy. Those are not my words, but the Government’s. They also talked about it potentially being a mitigating factor that judges would have to look at in sentencing, and raised other gaps—potentially looking at conversion therapy protection orders, support

for victims, restricting promotion and removing profit streams. So there is a gap in what is required, and the Government have outlined that.

A lot of noble Lords have said that the Bill is badly drafted. As somebody who supports the Bill, let me tell noble Lords that I have been in this House quite a lot and it is not the first time I have seen a badly drafted Bill. But I have been told many times by many noble Lords that the point of the Lords—and I accept that it is our role—is to reform and change Bills and make them better. That is what Committee stage is about. There are things that some noble Lords have said today about which I think, “Actually, that does need exploring further”. The question is whether this law is not required—the Government said in 2021 that extra law was required—or whether it is a matter of principle that it should not go forward. I would like to see it go to Committee, so we can explore some of the important issues that many noble Lords have identified.

Another reason given why the Bill should not go ahead is that it will stop medical practice and limit what happens. Let me be clear: the Bill will not stop any legitimate registered medical practitioner carrying out regulated activity. What it will stop is somebody deciding, before they have even started exploring the issue with that young person, that their sexual orientation or gender identity is wrong and needs to be changed. Through the process, as happens now, some will change and some will not, and medical practitioners will determine with them what happens—you will not come before someone who predetermines that your sexual orientation or gender identity is wrong. That is really important to understand.

The final issue is freedom of speech. Certain noble Lords are shaking their heads; that will have to be explored in Committee, if that is the case, with amendments and probing. That is absolutely fine. I believe one thing about the Bill and other noble Lords believe something different, so we will have to tease that out in Committee.

A number of anecdotes have been given today; let me give one of mine. About four or five years ago, I was at Gay Pride in Sheffield when a number of evangelical Christians turned up with megaphones and soapboxes, and suddenly started telling us that we were sinful and were going to hell. There was a big outcry from some members of the LGBT+ community that we should get the police, and off the field these people should go. Much to the anger of some of the people on the committee, I said; “No. They’ve got every right to tell us that we’re going to hell, and we’ve got every right to argue with them why we’re not going to hell. They can have that view”. The difference would have been—here, the police would have been called, and this is where my noble friend’s Bill comes in—if they had decided to take me somewhere in the park and tried to force me to stop being gay. But they were not doing that. It is exactly the same in this Bill; the motivation for stopping you being gay or having a certain gender identity also has to be taken into consideration in this Bill.

My noble friend’s Bill may need amending, but it is important. She has created a space on an issue that the Government, since 2018, have been saying needs space

[LORD SCRIVEN]

to be debated and legislated on. She wants the loopholes in the law, which the Government also identified in 2021, to be closed. I hope that noble Lords today will allow that space to remain and allow us to deal in Committee with some of the genuine concerns that have been raised, iron them out and stop once and for all this abhorrent practice of conversion therapy, which has no place in modern Britain.

2.25 pm

**Lord Collins of Highbury (Lab):** My Lords, this has been a fascinating and well-conducted debate. I have appreciated all the contributions, even those I do not agree with. I particularly want to mention the contribution of the noble Lord, Lord Herbert. He and I have worked together on an all-party basis for many years in trying to influence things.

It is important sometimes to reflect on the journey we have been on and the role of legislation in that journey. The noble Lord, Lord Hannan, referred to how it has changed things. I have been around a long time—perhaps too long—and participated in many of these debates and heard concerns about legislation, whether the GRA, the equal age of consent legislation or the civil partnerships legislation. I planned my civil partnership on what I hoped would be the first day of its introduction, but sadly it got delayed by a whole year because of the actions of this House in restricting movement on civil partnerships. However, when I heard the debate on equal marriage, what was a revelation to me was that all the people who had opposed civil partnerships, including the Bishops' Benches, were suddenly saying, “We support civil partnerships—but we aren't happy about same-sex marriage.” Do not underestimate the role legislation has in influencing attitudes and changing behaviour; it can be really important.

I must admit that the noble Lord, Lord Moore, sort of made me jump a bit, because Section 28 was clearly legislation in reaction to, as he put it, left-wing councils and something that was not happening, as he admitted. That legislation did not change things in schools in the way that perhaps those who moved it understood. What it did do was unleash homophobic attitudes in a way you could not possibly understand. I know this from experience. Even though homosexuality was legalised in 1967, suddenly I am walking down the street and I get homophobic comments. It unleashed it for many years, but every change we have made since 1997 has had a positive effect on the British public. Now, I can talk about my husband. People respect it. Now if I go to the doctor and talk about my next of kin being my husband, it is understood and respected. Attitudes have changed immensely.

My starting point in this debate is, of course, Theresa May's declaration in 2018. I think people accept that there should be a ban on all forms of coercive conversion practices. Theresa May described it as being urgently needed, but we have not seen anything from the Government, sadly, six years on from when it was first promised in the excellent LGBT action plan. Of course, that was after commissioning research and promising legislation in 2021. Then, in March 2022, we had a

report saying the plans were dropped entirely. It was moving forward, then backward, and at the beginning of this year we had a commitment to a trans-inclusive ban.

I suspect the Minister may join with me in lamenting some of this sorry saga of being positive about change and it then being negative, but I think that it is LGBT+ people who have really paid the price for that, and for this delay, because they have not been kept safe. That is what this debate is about. I hope that the Minister will take the opportunity to explain the Government's policy on conversion practices now, because I want to understand why no draft Bill has been introduced and why the Government find it so difficult. Is this really about policy differences or are the problems about personalities? The Government should come forward with their own proposals.

I share many of the concerns that noble Lords have expressed about the Bill. There is another Bill going through this Parliament in the other end from my honourable friend Lloyd Russell-Moyle. That Bill, to ban conversion practices overall, is backed by many Members from the Conservative Party. A number of noble Lords mentioned pre-legislative scrutiny of a future Bill, to which the Government are apparently still committed. When will it get under way? When will we see it? All the questions raised in this debate deserve an answer, and we want to make progress. I hope the Minister is confident that we will be able to conduct meaningful scrutiny before the end of this Parliament and the general election.

I think that we have been too slow on this: 18 months ago, my honourable friend Anneliese Dodds, the shadow Minister for Equalities, asked whether the Government had gathered any evidence about the impact of a well-drafted ban on conversion practices on the provision of legitimate talking therapies. She asked for any evidence or statements from medical bodies suggesting any concerns that a conversion therapy ban would have a chilling effect, or that a trans-inclusive ban would put such treatments at risk. These are legitimate questions, which have been asked in this debate and which the Government have a responsibility to answer. My honourable friend did not get any answers when she asked them, and I suspect that I will not get any today.

Conversion refers to changing, not to exploring people's real selves, including for young gay men or young lesbian women, who, from transition, have realised that they were always gay. What safeguards or principles does the Minister envisage would be introduced to prevent the acceleration through affirmation of young people into gender services, where they are experiencing conversion therapy or radical surgery? Questions have been raised, and the Government have a responsibility to give us the answers to them, particularly if they gave a very strong commitment.

We on the Labour Benches acknowledge that there are complexities, and we have a different approach. It is our job to protect the public from harm: like the BMA, the Royal College of Psychiatrists and countless other organisations, we believe that conversion practices constitute abuse. We are clear that a Bill to ban these practices must, of course, be carefully and sensitively

drafted, so that it does not cover psychological support and treatment, non-directive counselling or the pastoral relationship between teachers and pupils or between religious leaders and worshippers. These are matters that legislators can work through sensibly, and I am confident that we can.

A ban would not cover quiet conversations and friendships. A ban would not cover discussions within families, which are based on the need for love and support. A ban would not—and must not—have an impact on the provision of psychological, medical and supportive services for children and young people. As I said, much more support and psychological counselling is needed, not less, and that is the very clear view from the interim Cass review that noble Lords mentioned.

On Wednesday night, I spoke to my honourable friend Lloyd Russell-Moyle at an event hosted by Mr Speaker on LGBT history. It was a fantastic event with a range of people including trans men and trans women. My honourable friend settled on “predetermined purpose”; that is what he put in his Bill. It says that, much like with false advertising, you cannot set about to change someone as that is not possible in law and to do so would be a fraud.

The words in his Bill are also clear that the intent cannot be entered into during the process of a conversation but must be predetermined. That is what we are talking about here. Lots of other points have been raised, particularly on gender, but when someone says, “You must come for this therapy because we are going to change you from being gay to straight”, it needs to be stopped, because that has a huge impact.

Other Bills have tried to focus on harm, and this is already an offence, as we have heard. However, the ability to prosecute is hard. It requires the victim to retraumatise themselves in a trial and, as we have heard in this debate, harm is often not known for a long time.

Labour believes that any ban must be carefully, tightly and clearly worded, and appropriately implemented and assessed. That should surely be par for the course for any legislation, and it must also apply to a ban on conversion practices. Because of the Russell-Moyle approach, I am confident that it is possible to deliver a ban without ending up in the quagmire in which the Government have found themselves.

We have a duty to ensure that every LGBT+ person can live their lives in dignity and free from abuse, just like anyone else. I sincerely believe, as my noble friend Lady Donaghy said, that the Bill gives us the opportunity of space to look at these issues in detail and put the challenging questions that we have raised. That is why it is important that we give it a Second Reading.

2.38 pm

**The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con):** My Lords, I first congratulate the noble Baroness, Lady Burt of Solihull, on securing this important Second Reading debate on her Bill and thank her for the tone in which she opened it. Like others, I also acknowledge the courage of those noble Lords and Baronesses who have experienced direct discrimination or prejudice because of their sexual orientation.

As we heard in your Lordships’ House, the noble Baroness’s Bill would make provision to prohibit sexual orientation and gender identity conversion therapy across the United Kingdom. The Government share the noble Baroness’s goal to protect vulnerable people from harm, and it remains our intention to publish a draft Bill for pre-legislative scrutiny.

However, I must express reservations about this Bill and raise concerns relating to four areas: the definition of “conversion therapy”; the inclusion of “suppression” within the offence; the use and lack of definition of “gender identity”; and the proposed territorial extent of the Bill. A number of these issues have been raised by your Lordships today.

I will take these issues in turn. First, on the terminology and definition, the Government now use the term “conversion practices” to reflect the fact that conversion acts take a range of different forms and to avoid conflation with legitimate talking therapies. Further, I am concerned that the definition is very wide in scope and appears to lack precision and clarity, therefore leaving it vulnerable to misapplication. It is vital that any legislation targeting these harmful practices does not affect the ability of parents, teachers, counsellors, religious leaders or healthcare practitioners to have open, exploratory and sometimes even challenging conversations, particularly with young people who are expressing or exploring their sexual orientation and/or gender identity.

In particular, I worry that such a broad definition would create a chilling effect for those working in the legitimate clinical care sector, who may feel too nervous to conduct their jobs out of fear of potential criminalisation. This in turn could negatively impact those people who are seeking, and indeed needing, support in relation to feelings of gender distress or gender dysphoria, or in coming to terms with their sexuality.

I must also express reservations around the inclusion of suppression within the scope of the offence. This risks a very wide range of acts being criminalised and is likely to disproportionately impact freedom of thought, conscience and religion.

I move on to the use of the term “gender identity”. While we agree that any protections should include all those at risk, whether straight or gay, transgender or not, the Government have significant reservations about relying on the term “gender identity”. This is not a recognised term within our existing legal framework and is a contested belief. Introducing it in this way risks a lack of legislative clarity, which would likely make prosecutions difficult and set an unhelpful legislative precedent that could have much wider ramifications, in both criminal and civil law.

Finally, the Bill proposes to legislate for the whole of the UK. This would be problematic because, of course, criminal justice is fully devolved to our Scottish and Northern Irish counterparts.

Let me be clear that the Government’s opposition to this Bill does not mean that we are complacent about the harm that conversion practices can cause. We absolutely condemn conversion practices; they are inherently wrong and have no place in our society. As a number of noble Lords pointed out, many harmful

[BARONESS BARRAN]

physical and violent acts done in the name of conversion practice are already illegal in this country, as of course they should be. As Equalities Ministers have said, these acts are aimed at changing someone else's identity, whether that be to or from being lesbian, gay, bisexual or transgender, or indeed heterosexual, and have no place in UK society.

However, there remains a gap, albeit narrow, in the existing legislative framework, including surrounding non-physical and speech-based acts, such as one-off instances of significant verbal degradation or abuse, which are not covered by existing legislation. For other examples, I would point to the Cass interim report, which notes:

“The complex interaction between sexuality and gender identity, and societal responses to both; for example, we have heard from young lesbians who felt pressured to identify as transgender male, and conversely transgender males who felt pressured to come out as lesbian rather than transgender”.

These examples highlight just how complex but essential it is to legislate in a balanced and measured way, alive to all the potential impacts of the approach taken, both intended and unintended.

This is why the Government plan to bring forward our own draft legislation for pre-legislative scrutiny by a committee of both Houses on this issue, which has been thoughtfully considered over some time and, crucially, informed by public consultation. I am grateful to the noble Baroness for engaging on this important issue. Her Bill has allowed for further consideration and discussion on how to tackle these abhorrent practices. However, on the basis of the specific issues that I outlined, I express reservations on behalf of the Government on the noble Baroness's Bill.

2.45 pm

**Baroness Burt of Solihull (LD):** My Lords, I rode up in the lift this morning with the noble Lord, Lord Forsyth. He said to me, “I think they're going to give you a hard time”. Well, they did not disappoint. I said at the beginning that my aim was to tease out the issue. Over the last four hours and more, we have done a pretty thorough job of it. I said that there would be consensus on the need for something. The noble Lord, Lord Lucas, said that this was a “correct and noble aim”, so even people who do not agree in all kinds of ways can agree that we do need something. That is very heartening.

However, there was much misunderstanding in the remarks of noble Lords today. The noble Lord, Lord Collins, summarised a lot of it very well. Misunderstanding has arisen because of the general wording of the Bill. The number of contributions on that are too many to mention, certainly at this time of the day.

This is a wicked problem; it is a complex and difficult issue, with many opinions and different understandings. It will need a lot of good will on a lot of people's parts for this wicked problem to be resolved. The noble Baroness, Lady Donaghy, said that we need space to move forward.

I will not commend all the wonderful speeches that we have heard today; noble Lords know who they are—here I am looking at the noble Baroness, Lady Hunt. I will not go into any details now because it is too late in the day.

I accept that this Bill is not well drafted. It was intentionally general, but it now needs a Committee stage to put it right. The Minister has promised to publish the Government's Bill, but we really need to know when. We need to get the different views together to solve this wicked problem.

*Bill read a second time and committed to a Committee of the Whole House.*

## Succession to Peerages and Baronetcies Bill [HL] Second Reading

2.50 pm

Moved by **Lord Northbrook**

That the Bill be now read a second time.

**Lord Northbrook (Con):** My Lords, I preface my remarks by saying that the Bill has nothing to do with membership of your Lordships' House. It concerns only the specialist topic of the arrangement for succession to hereditary peerages and baronetcies by making a small step towards modernity.

Noble Lords will be aware that in most cases, hereditary peerages can descend only through the male line. Thus, it follows that in some cases, where there is no male heir, the peerage dies out. I declare an interest as being in this situation: I have a very capable daughter who could inherit my title under this Bill. There are a few cases—mostly Scottish, like that of my noble friend Lord Lucas, or very ancient ones—where the Letters Patent specifically allow descent through a woman.

I know that some speakers, including my noble friend Lady Noakes, will ask why peerages should not now descend via the eldest child. I can only quote from a peerage expert, my noble friend Lord Fellowes of West Stafford, in his speech of 2015 on a similar Bill. He said that

“there have been several attempts to encourage some interest in the idea, but it never gets off the ground, and the reason is simple. An immediate change now to eldest child inheritance would mean that a great many men would be stripped of their courtesy titles and the names they have lived under for years, and so would their children. It would mean that the financial arrangements”, especially trusts,

“that have been designed to protect a large number of families' interests would be wrecked, and that those same families would be facing an intolerable position, dividing siblings and bringing real unhappiness”.

In 2015 my noble friend Lord Trefgarne, on the eldest child only being able to inherit the title, said

“the plain fact is that that proposition has been before Parliament on several occasions and has on each of those occasions failed to attract your Lordships' support”.—[*Official Report*, 11/9/15; cols. 1618-21.]

If noble Lords feel that my noble friend Lord Fellowes's sentiments are a bit melodramatic, I point out, more prosaically, that the stability of trust arrangements in particular have allowed great houses and estates to remain in the same hands. It gives the UK a huge advantage from a tourism viewpoint—unlike France,

where the Napoleonic law means that equal division of assets on death has split family assets up, with the result that the privately owned stately home offerings for visitors are much more limited. Such a problem could occur if peerage descent went to the firstborn child only.

Turning to the subject of extinct peerages, I repeat the observation of my noble friend Lord Fellowes in the 2015 debate in relation to his wife's family. He said that if the Bill were allowed to pass, the Kitchener title and others would be able to be revived, which I think is rather special for such a famous name. I am aware of Harriett Baldwin's Bill on the matter in the other House, which will come to your Lordships in due course. While I will personally not seek to obstruct it, I believe a more gradual approach is required to get full approval in your Lordships' House.

As I said in 2015, I understand that Section 14 of the Human Rights Act 1998 now makes it illegal to discriminate on the basis of sex where both sexes may perform the function required. This would apply to peerages. The noble Lord, Lord Pannick, mentioned to me at the time that if a legitimate female issue, where the peerage would otherwise become extinct, referred a case to the European Court of Human Rights, they could well have a chance of success. I would perfectly well understand if some heirs might wish to take this route.

In summary, while some noble Lords might believe that this Bill does not go far enough, peerage succession is a complex subject that needs to be tackled gradually, and I hope it will find favour with your Lordships. I beg to move.

2.54 pm

**Lord Hacking (Lab):** My Lords, I start by declaring an interest, not only as the holder of the title that entitles me to be in the House as a hereditary Peer but as the holder of a parallel baronetcy. I also have to declare that my firstborn child is a daughter and my second-born child is a son. I did not tell my son that I was going to stand up in the House to disinherit him, but he is a nice chap and I think he will be understanding.

Yes, the Bill affects only the privileged in our society, but they have the same rights as anybody else. The fact is that the present law on inheritance amounts to total discrimination towards women. It has also caused the extinction of several peerages and baronetcies. It parallels the state of our House before the Life Peerages Act when, long after women were entitled to become Members of the House of Commons, they were not entitled to be Members of this House.

This is an excellently drafted Bill and I congratulate the noble Lord, Lord Northbrook, and the assistance which has been provided to him. It will deprive men of having the expectation of a baronetcy or a peerage. It will be taken away from them, but that is no different from any expectation of inheritance.

There was, in this House, a Baroness Strange. I would have to describe her as a rather unusual Member of this House. As she was dying, she asked for a piece of paper to be brought to her. On that piece of paper, she disinherited her son from taking over the family

stately home in Scotland and chose her younger daughter to inherit it. These things happen, and I believe the Bill takes the right approach.

All I can do is ask the Government, who should seek to be fair to all members of society, to support the Bill.

2.57 pm

**Earl Russell (LD):** My Lords, I too must declare a personal interest in these matters. I am the seventh Earl Russell, and the last. My wife gave birth to two beautiful daughters, of whom I am very proud, and I have no male heirs or direct relatives. To be clear, I do not speak in favour of the continuation of the right of hereditary Peers to have a place in your Lordships' House. I would vote in favour of my own abolition, as my father before me did.

No one wants to be the last of their own line. This is about a separate right for me to have a family life and to continue my family heritage. I will speak in favour of the Bill, and I thank the noble Lord, Lord Northbrook, for bringing it forward. I note the argument he made about the need for this to happen in stages. I thank others, both in Parliament and outside, who have campaigned for change on these issues. The Bill is a welcome step, and I support it as it allows women to inherit where there is no male heir. That is not possible at all under current legislation.

However, Clause 1(4) would establish that male heirs would be given preference in succeeding to the title over female heirs. It states:

"Within each group of siblings, males in order of birth and their issue are entitled to succeed before females in order of birth and their issue".

Here I argue, as the noble Lord, Lord Hacking, has, in favour of the absolute need for women to have an equal right to inherit a peerage and the need for the Government to enact their own legislation to correct this quirk of history. I am aware that there are many other more pressing issues that the Government face, and it is easy for me to look overprivileged and self-centred in these matters. I make my case with some humility for the Government to take a step further to fully enable the right of female succession.

First, this is the right thing to do. This is the last dusty corner of sexism in a now much-changed and evolved modern world. Also, it is having real political impact. Today, according to my bad maths, some 11.6% of this upper Chamber is reserved exclusively for men and is occupied by them alone. I am here because I was born a man of my father. I love this place and am honoured to be here, but, at the same time, I feel embarrassed, frankly, to be the holder of a position that is reserved only for men. Now I am here, it is only right for me to call for equality for others.

Secondly, this is a relatively easy fix for the Government. Penny Mordaunt promised this a long time ago, and I do not think it is an overly complex or arduous task for the Government to achieve.

Thirdly, as others have said, it is likely that, at some point sooner or later, a legal case, either in our jurisdiction or in the European court, will end up making these changes. I kindly ask the Government to consider bringing forward their own legislation to take these matters forward.

3.01 pm

**Baroness Noakes (Con):** My Lords, I would not normally have expected to be in your Lordships' House on a Friday and would not be if it were a question only of this particular Bill, but I have just been in the House for the debate on the conversion therapy Bill for five hours and I thought, as I was here, it would be worth staying on to discuss my noble friend's Bill. He is aware that I cannot support it.

I abhor any form of sex discrimination, whether positive or negative, and I believe that, in principle, succession rights should not be confined to male heirs, as is the case with virtually all peerages and baronetcies. However, my noble friend's Bill treats female offspring as second-class citizens. Under the Bill, daughters can inherit only if they have no brothers, and that is just not right. All that the Bill will do is entrench male dominance within families. It is misogynistic and it is the wrong direction of travel for our society.

Although I believe that, in principle, succession should be gender-neutral, I do not think it is of such great importance that it should take up the precious time allocated in your Lordships' House for Private Members' Bills. The issues addressed in the Bill do not affect the vast majority of the UK population, and I would rather this House focused on legislation, whether in Private Members' Bills or in public Bills, on things that resonate with the public: crime, immigration, security and so on.

I say to my noble friend that it is an abuse of the Private Members' Bill process to pursue private interests. My noble friend Lord Northbrook explained that he has a personal interest because of the composition of his own family, and he is using Parliament to further that private interest.

I am mystified by the retrospective element of the Bill. I personally am entirely comfortable with hereditary peerages becoming extinct. They serve no useful purpose in society, and their gradual disappearance would be mourned by few. But I would not waste any legislative time seeking to abolish them—as and when they die out, that would be fine. I have no idea why my noble friend has selected 6 February 1952 as the cut-off point—it seems somewhat arbitrary to me—but doubtless we can explore both the need for retrospection and the significance of the chosen date if the Bill proceeds to Committee.

As I have mentioned privately to my noble friend, a Committee would also need to examine what a “group of siblings” is, as mentioned in the offensive Clause 1(4). If a Peer marries several times, are all his children in one group of siblings, even if they have never met one another, or is the question of what constitutes a group of siblings to be determined as a question of fact in relation to each succession? Either way, that does not seem satisfactory.

This is a bad Bill that should not be given time in your Lordships' House. If my noble friend seeks a Committee stage, I am sure the House will know what to do with it.

**Lord Hacking (Lab):** Before the noble Baroness sits down, could she tell us how this matter could be remedied except through Parliament?

**Baroness Noakes (Con):** I am suggesting that this issue is of such little importance that we should not waste any parliamentary time on it.

3.05 pm

**The Earl of Sandwich (CB):** My Lords, I admire the determination of the Daughters' Rights group behind this and that of the noble Lord, Lord Northbrook, himself in supporting his daughter by introducing this Private Member's Bill. However, if I were invited to vote to end hereditary by-elections from the House today, I would do so, and not just as part of a wider reform. I belong to the group that was originally behind the Steel Bill, campaigning for gradual incremental reforms, some of which have been achieved. The noble Lord, Lord Grocott, has set a high standard for ridiculing these by-elections via a Private Member's Bill, and they need to go. We need to look at the report by the noble Lord, Lord Burns, on the size of the Lords, but the House is well-balanced, with enough Cross-Benchers, including some highly qualified hereditary Peers. We need a statutory HOLAC to rein in some of the appointments.

Why would I support a smaller Bill that is overshadowed by the much larger reform of removing all hereditary Peers? The glib answer is that it is right to support the Bill. Gender equality is far from being achieved in Parliament, and we should continue to encourage more women Members, in both Houses. Some of us still mourn the loss of our outspoken, and Scottish, colleagues, such as Lady Saltoun and the Countess of Mar—the last female Cross-Bench hereditary Peer, who made such an impact on the whole House.

The political answer, though, is that it is almost 25 years since 92 of us were elected from our own number, and it could easily be another 25 before such a major reform is achieved. Gordon Brown's proposals attracted a lot of attention when they came out. That is not for discussion now, but I doubt they will become a priority for the Labour Party if it wins the election. So there could be plenty of time ahead for this campaign, even if the Bill fails.

The precedent set by the Succession to the Crown Act 2013 is impressive and has strengthened the arm of campaigners. Why should not a similar arrangement now be made for daughters, perhaps involving a grant from the Crown itself? The petition route offered in the Bill is particularly attractive, and I hope the Minister will spend some time on that in her answer. The noble Lord, Lord Lucas, said in a previous debate that the 2013 Act should at least stimulate further scrutiny.

The legislation proposed could have a much wider effect. For example, it would reinforce the inheritance of female owners of estates where male primogeniture is still dominant. There are plenty of cases where women, as legal owners, are running properties with or without the aid of their husband or partner, and I can think of examples in this House.

Primogeniture itself is not an issue in the Bill. I know it is not a popular concept. I personally believe in it because it has enabled families to hold on to homes and collections for many generations that otherwise might have been broken up. Hereditary owners save historic buildings, and have even become allies of



government, as custodians with a similar concern for restoration and conservation. However, I am aware that these plans do not always work out in practice, and families can suffer considerably in the event of disagreement.

The campaign for female succession must be encouraged, and has had approval, if not support, from within government at a high level. Harriett Baldwin's Private Member's Bill in another place attracted a lot of attention, while, as the noble Earl, Lord Russell, mentioned, Penny Mordaunt referred to this as a "posh glass ceiling". Even our own noble Lord, Lord True, seemed to be sympathetic, though could not actually support the Bill. Let us see if His Majesty's Government can look more favourably on it this time.

3.09 pm

**Viscount Astor (Con):** My Lords, today's Second Reading is one of those occasions when we can reflect on the balance between preserving tradition and allowing the sort of gradual evolution that has characterised our constitution. I believe that this House has the opportunity to send a signal about our values as a country, as it did while passing the Succession to the Crown Act 2013, which amended the Bill of Rights and the Act of Settlement to end the system of male primogeniture under which a younger son can displace an elder daughter in the line of succession.

Succession to the peerage no longer confers automatic rights and privileges. However, for now, succession to a peerage entails the possibility of becoming part of your Lordships' House and, therefore, part of the legislature of this country—so there remains some constitutional importance about this matter. I am on record as saying that this House is too big, there are too many people here and too many Peers, and the question of the right of hereditary Peers to stand in by-elections should be dealt with—but as part of a larger reform, perhaps including retirement ages, length of service or both.

We must concede that the current succession rules governing peerages and baronetcies are archaic. The Bill seeks to eliminate gender-based discrimination, ensuring that gender is not a path to succession. This legislation could represent a crucial step forward in modernising our system of inheritance of titles, aligning it with the principles of equality and fairness that underpin our society. Our commitment to equality should be reflected not only in our laws but in the institutions that form the bedrock of our society.

However, I have one objection to this Bill. If its aim is to remove gender-based discrimination, Clause 1(4) does not go far enough. It still gives males in the line of succession preference over females. I believe that it falls short in addressing the fundamental issue of gender preference in the order of succession. I do not believe that any Bill seeking to address this issue is credible unless it creates a level playing field. As it stands, it is really a Bill that has as its only objective preservation of peerages and baronetcies that would otherwise fall into abeyance, having no male heir. As such, it is liable to be seen as a self-serving Bill that seeks merely to preserve titles and entrench a so-called elite, which otherwise would slowly reduce in number.

It prevents an abeyance rather than promotes equality. Rather, it should be a Bill that brings the peerage into line with the Crown.

It is my firm conviction that there should be no discriminative distinctions based on gender in matters of inheritance. The principal primogenitor should be redefined to prioritise the oldest child, irrespective of their gender. I note that, in the matter of baronetcies, it is more complex and less pressing than it is for peerages, as there is no link between baronetcies and membership of your Lordships' House. Perhaps this Bill should be dealing with peerages alone for now, and any baronetcy issues should be dealt with in a separate Bill.

I declare an interest, in that my eldest child is a daughter. The change in the rules in this Bill was on the face of it intended to promote equality but it actually does not change the position of the oldest girls. It is the worst of both worlds, because she has two younger brothers. I suggest to your Lordships that we should amend Clause 1(4) to reflect a more egalitarian approach, ensuring that the oldest child inherits the title, regardless of gender. That would enforce our commitment to a just and progressive society, where opportunities and responsibilities are bestowed without prejudice.

3.13 pm

**Lord Lucas (Con):** My Lords, I congratulate my noble friend Lord Northbrook on bringing forward this Bill. He is right to say that I am unaffected by it, as I have a Scottish title, which in connection with the previous debate, was granted by James I to his first boyfriend, who then married—fortunately. I have an English title, the barony of Lucas, which was procured by Margaret Cavendish, in honour of her brother, in favour of her niece. Margaret Cavendish was a great feminist, and has been in print with her feminist writings for 350 years—and indeed has another book out about her this year, called *Pure Wit*, by Francesca Peacock, which I recommend. I share the vision that she fought for—that women are equal with men in every respect—and I would very much like to see that applied to peerage inheritance.

To pick up on what my noble friends Lady Noakes and Lord Astor said, I entirely agree that the Bill should be changed so that women are properly equal to men. I do not agree that it should include the revival of extinct titles; beyond anything else, that would enable me to claim the title of Duke of Kent, which might be inconvenient for certain other people.

To answer another of the questions from my noble friend Lady Noakes, Parliament is the only way the last bit of preference for men can be changed; there is no other route available. I do not see any reason for it to be left lying around, particularly given that, as my noble friend Lord Astor said, the monarchy has made the necessary change itself. We should follow its good example.

This is a good opportunity for the Government to make the change. Every time we have tried in the past, the principal objection has been that if we have a Private Member's Bill, they will mess around with it at the other end to try produce a much more wide-ranging

[LORD LUCAS]

change. We now know, courtesy of the Leader of the Opposition, that they would not do that. There is no such danger at the moment, so this is an opportunity to right a small but tiresome wrong and I very much hope the Government will take it.

3.16 pm

**Lord Addington (LD):** My Lords, as I follow the noble Lord, Lord Lucas—who is a friend—I am struck, first, by how dull my peerage is compared to his. It really does not have anywhere near the same entertainment value. Everything I enjoy in history, the little quirks and side-plays, is personified there. His peerage has also provided the House with someone who has been a very good parliamentarian for many years, so I thank him for his words and for his contribution so far.

I am in almost total agreement regarding the Bill. I must declare an interest, in that I have only the one child, a daughter. If you are going to make this change to make things equal, it should be the oldest child. There cannot be any real disagreement about that. If you think it is important, that is what you do.

The by-elections are always in the background: they are the elephant in the room—except that this elephant is now trumpeting quite loudly. If we had this, we might actually get, for however random the peerage is, women standing. That would slightly strengthen a very weak case for keeping this going.

I am always struck by the fact that there are not many temporary deals whose silver anniversaries can be celebrated very rapidly. Are we going for gold on this one? I am not sure, but let us remember that just in case.

The recreation of extinct peerages—fine, but I am not sure it adds very much to the strength of the nation, or anything else. However, if we are going to do this, we should follow the example of the Royal Family. The oldest child is the only way you can really make this equal going forward. It could be interpreted as an attempt at a small step forward, but it is out of date and out of time. Thirty years ago, yes; but not now.

I have another interest to declare: I looked it up and, going back six generations, the first Lord Addington had an oldest child who was a girl. So in my case, we can go back six generations of privilege. If we are going to effect the basic principle that women should have the same status as men, then it must be the oldest child. Baronetcies are possibly not as pressing, but I do not see why they should not be included. If we are going to do this, it has to be based on that principle. We have to make sure we embody it. Would it do any good? A little. Would it do any harm? None. I hope that we will bring the Bill forward in those terms.

Committee will be very interesting. I admit that I did not pick up on this on first reading the Bill, but Clause 1(4) does not stand up to the modern world. Bring the Bill forward, have a look at it and I am afraid the pen should go through quite a lot of it. The only part that has any merit is Clause 1(1).

**Lord Hacking (Lab):** It is clear that the noble Lord thinks there should be a number of revisions to this Bill, in particular the deletion of Clause 1(4). When he

comes to speak at the end of this debate, could the noble Lord, Lord Northbrook, tell us his position on that subsection?

**Lord Addington (LD):** Is the noble Lord asking for my opinion? I stand by this: keep the first three subsections of Clause 1 and dump the rest.

3.20 pm

**Baroness Chapman of Darlington (Lab):** My Lords, I have no interest to declare in considering this Bill.

When I first saw the Bill's Title, I thought we were going to get one thing; on reading the Bill, it turned out that that was not to be. As we have heard, the Bill does not mean that daughters will be treated the same way as sons. As an eldest daughter with a younger brother, I imagine what would have happened had my dad not been the son of a soldier from Middlesbrough with little to pass on but some medals and a casserole dish. Would I take a different view on this? In reading the Bill, I genuinely think that Clause 1(4) really stands out as something that it is very surprising to read in a Bill in 2024. I listened to what the noble Lord, Lord Northbrook, said to explain it; he spoke about the management of estates and great houses. We all appreciate and enjoy the great estates of our country—of course we do—but it sounds a bit thin as justification for keeping such a rule in place. I wonder whether there are not some more ingenious ways around it that would allow for the eldest child, not just the eldest son, to be preferred.

The Government have said previously that it is too complex to make this change for women to inherit titles on an equal basis with men. That has not been sufficiently explained by Ministers; I wonder whether the Minister here today could help us out. Many contributors have acknowledged—I applaud the lack of self-interest, as well as the self-awareness, of many of the hereditary Peers who have spoken—that it is time for us to revisit this issue; that is to be commended and welcomed.

This is a strange little Bill. With the best will in the world, it does not really do an awful lot for the reputation of this House and the relevance of Parliament, nor for the situation of women across the country. I am sure that the noble Lord, Lord Northbrook, did not bring it here hoping to be heralded as some sort of feminist icon, but we can do better. There is a gradual approach—I accept that—but there is gradual and then there is a glacial pace. We could move a bit quicker.

I must commend what the noble Baroness, Lady Noakes, said. She is completely right: the right way forward is for the eldest child, rather than the eldest son. As she said, if titles occasionally die out, that is something the nation can withstand.

3.24 pm

**The Minister of State, Cabinet Office (Baroness Neville-Rolfe) (Con):** My Lords, I congratulate my noble friend Lord Northbrook on securing the Second Reading of the Bill and on the crispness of his opening remarks, which I will try to imitate. I know that he has

a great and personal interest in this issue, as have some others, including the noble Lords, Lord Hacking and Lord Addington, and the noble Earl, Lord Russell, although they have been very modest about it and there is no agreement on the Bill. I am also grateful to them and all fellow noble Lords for an engaging, crisp and thoughtful debate.

As noble Lords will know, the issue of peerage reform is a complex one, with complicated adjoining issues. The debates, Motions and various Private Members' Bills on this issue advanced in both our Houses have proposed several scales of reform and different methods for achieving it. The Government are not unsympathetic to the principle that there should be more women in your Lordships' House. However, this Bill, on the one hand, is not a Bill for equal primogeniture and, on the other, would affect many people and families outside this House who have no role in public life. The lack of address on the primogeniture issue was highlighted by my noble friend Lord Astor and others. Given the issues at play, the Government are far from convinced that now is the time, or that this is the way, to look at this matter. The Government have considered my noble friend's proposal carefully, but they have reservations, and I am afraid that we will not support the Bill today.

It is important to be clear about the purpose of the Bill. As the Title suggests, it is about the succession to peerages, but it is above all about the preservation of certain peerages. Its main purpose is to ensure that titles do not die out and to revive titles which have already met this fate. As noble Lords are aware, the descent of hereditary titles depends on the provisions of the creation. Most hereditary peerages and baronetcies descend down the male line, under the principle of male primogeniture, which means that the peerage can only descend through that legitimate male line. Fewer than 90 peerages can descend through the female line.

Here are some interesting statistics: excluding royal peerages, there are 24 Dukes, 34 Marquesses, 191 Earls—with four Countesses in their own right—115 Viscounts and 426 Barons, including nine Baronesses. Approximately 660 of those appear on the Roll of the Peerage and 207 on the register of hereditary Peers. There are also 1,000 or so baronets. These arrangements have been in place for hundreds of years, and many families organise their lives on the expectation that they will continue. The Government are convinced that this Bill would require significant amendment. It is imperative to ensure that any legislation in this space is carefully considered and reflective of all those affected and the many views that exist on the reform of hereditary succession. This Bill is not the correct vehicle for that.

Let us turn briefly to the Bill. Clause 3 would lead to a significant increase in the number of claims to hereditary titles and in the number of hereditary title holders. The Government believe that in the region of around 200 peerages have the potential to fall within scope. As well as automatically reviving peerages that have become extinct on or after 6 February 1952, Clause 3 would, in certain circumstances, allow a petition to be made to the King requesting the revival of a peerage—as the noble Earl, Lord Sandwich, mentioned—which we as a Government have concerns about.

We have particular concerns with the retrospectivity of the clause, which was well explained by my noble friend Lady Noakes. Before a peerage can be revived, its provenance and the right of the individual in question to inherit must be proven before the peerage can be entered on the Roll of the Peerage. The Bill would therefore have considerable resource implications for the Crown Office and the College of Arms, which would inevitably take some years to work through, especially in cases where the descent of a title was in any way unclear or contested. My noble friend Lord Lucas spoke against the proposed revival of extinct titles as a matter of principle.

The proposed reform would affect not only Members of the House but the interests of other individual families. These are changes that should not be undertaken lightly without proper consideration of their effects or of any potential unfairness. That is particularly the case when many of those impacted will have no association with this House but will be directly affected by this Bill.

Turning to Clause 4, it should be noted that there are a number of hereditary peerages and baronetcies which carry estates and properties, either by virtue of the terms of the instrument creating the peerage or as a result of a trust arrangement which has been put in place to ensure that the peerage and property descend together. Clause 4(2) would appear to separate land and property rights from the title. The noble Baroness, Lady Chapman, mentioned strangeness, and I think the clause would create a strange system whereby property would continue to be inherited by the oldest male heir even if the title went to a female heir, possibly splitting titles and estates. It would be impossible to say how many titles or names would be affected by this provision, given that trust arrangements are often confidential matters.

Finally, I draw noble Lords' attention to Clause 4(1). This provision would establish that the Bill would not affect the succession to the Crown, or any peerages or baronetcies held by His Majesty the King. However, the Bill would potentially impact on the descent of titles held by other members of the Royal Family. Very careful consideration ought to be given to how any reform might affect these titles.

In conclusion, the Government continue to listen to the concerns of interested parties to understand the consequences of changes to hereditary titles. However, the reality is that, at this time, reform is not an immediate priority, particularly on an issue more relevant to private interests than to the general public, as my noble friend Lady Noakes argued persuasively.

By making a single, rather sweeping change to the descent of all hereditary peerages and baronetcies, the Bill would potentially affect not just Members of this House but a considerable number of families in different ways, according to their own individual circumstances. It would also require significant work and amendment to avoid major unintended consequences. Therefore, I am afraid that, while the Government are grateful for the debate and to the noble Lord, Lord Northbrook, we do not support the Bill today. It is a halfway house that creates more problems than it solves.

**Lord Hacking (Lab):** May I remind the Minister of the comment made by the Cabinet Office Minister in the House of Commons at the end of a debate on a parallel Bill that was being introduced by a Member of Parliament, Mrs Baldwin? He said that he “appreciated the position” from which she was coming. Is the Minister denying that?

**Baroness Neville-Rolfe (Con):** This is, of course, a different Bill; today we have been addressing another Bill and we have made it clear that it is not fit for purpose. I am sure we will debate other Bills in this House in the fullness of time, and I look forward to doing that.

3.32 pm

**Lord Northbrook (Con):** My Lords, I am grateful to all noble Lords who have taken part in this debate and to my noble friend the Minister for her detailed and interesting reply.

The general mood seemed to be not entirely in favour of the Bill, although my noble friend Lord Astor said it was a crucial step forward. My noble friend Lady Noakes fired away with two barrels, saying that it was “misogynistic” and that we should be focusing more on Private Members’ Bills on crime and immigration. I thought that is what the Government were meant to be doing. I see no harm in Private Members’ Bills as long as the Peer concerned declares an interest; the worst thing is when they bring forward a Bill and omit to declare that interest. I agree with my noble friend Lord Lucas, who said that Parliament is the only way in which the law can be changed.

I note the comments on Clause 3, which obviously needs to be considered carefully, and there were many criticisms of Clause 1(4), which I am happy to go away and consider. Otherwise, I beg to move.

*Bill read a second time and committed to a Committee of the Whole House.*

*House adjourned at 3.34 pm.*