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HumanGayMale Response to Draft Conversion Practices Bill

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The title and presentation of this Bill suggest that it is concerned solely with protecting people from abusive practices. If that were all the Bill did, it would attract broad support.

However, a detailed reading reveals that it is also a vehicle for introducing significant legal and policy changes extending well beyond the prohibition of abuse.

We welcome the fact that, unlike much of the accompanying Government commentary, the draft legislation itself does not refer to "LGBT+ people". Instead, it separately refers to sexual orientation and transgender identity.

However, the Bill continues to treat these two concepts as a single policy area. The consistent use of the term "LGBT+" by the Equalities Office throughout the accompanying material reflects the view that sexual orientation and gender identity constitute a single policy area. That assumption underpins both the Government's presentation of the Bill and, in our view, its most significant flaw.

Beyond this, we have the following specific concerns with this Bill:

1. Sexual orientation and gender identity should not be legislated together

The accompanying material consistently presents this as an "LGBT+" Bill. Such framing assumes that sexual orientation and gender identity raise the same legal, medical and safeguarding issues. They do not.

Sexual orientation and transgender identity have different evidence bases, different legal foundations and different public policy implications. Should Parliament decide to legislate about conversion practices, they should do so separately for each of these two distinct issues.

By combining them into a single Bill, Parliament is prevented from scrutinising each issue on its own merits, and unable to acknowledge the antithetical nature of how these issues interact, especially in the context of conversion practices. Different conclusions may reasonably be reached about definitions, healthcare, safeguarding, exemptions and enforcement in relation to each.

2. The Bill does not explain what genuinely new conduct requires criminalisation

Many of the behaviours listed as indicators of abuse are already addressed by existing criminal and civil law. The Government should therefore make clearer what specific gap in the current law this legislation is intended to fill, and why existing loopholes cannot be tightened, ensuring that any new offences are tightly targeted at conduct not already adequately addressed elsewhere.

If new legislation is genuinely required, it should be narrowly drafted, legally certain and focused upon genuinely abusive conduct. It should also recognise that sexual orientation and gender identity are distinct legal and policy questions which deserve separate legislative consideration, rather than continuing the practice of treating them as a single "LGBT+" issue.

3. The Bill introduces a new statutory concept of "transgender identity"

The Equality Act 2010 already defines sexual orientation, and the Bill simply adopts that definition. By contrast, "transgender identity" is a new concept introduced within this Bill itself. Parliament would therefore not be merely prohibiting abusive conduct; it would be creating a new statutory concept, well beyond that which is established as a protected characteristic in the Equality Act, and defines it by reference to concepts that are themselves inherently subjective.

Whether or not Parliament ultimately wishes to legislate in this area, such a significant legal development deserves separate consideration rather than being introduced incidentally through legislation primarily presented as addressing conversion practices.

4. The Bill creates a false equivalence between sexual orientation and gender identity

The structure of the Bill places sexual orientation and transgender identity on the same conceptual footing. However, these are fundamentally different concepts.

Sexual orientation is not simply a matter of personal identity. It is an objective characteristic based on a person's pattern of attraction and an established protected characteristic within equality law on this basis. Whereas the concept of transgender identity is defined differently and serves a different legal purpose, without corresponding objective criteria by which it can be determined.

Treating both as equivalent risks reinforcing the mistaken impression that homosexuality is simply another form of identity rather than a characteristic based upon sexual orientation.

5. The definition of "conversion practice" lacks sufficient legal certainty

The Bill does not establish a clear threshold for what constitutes a conversion practice.

Instead, questions of abuse are left to be determined by reference to "all the circumstances", with examples including psychological pressure, emotional pressure and coercive behaviour.

While such concepts exist elsewhere in law, they are here attached to an entirely new statutory concept whose boundaries remain unclear.

Parliament should define with much greater precision the conduct it intends to prohibit, rather than leaving those boundaries to be developed through police investigations, prosecutorial decisions and litigation.

This is particularly concerning given the extent to which interpretation and application of matters relating to gender identity have become inconsistent and influenced by activist approaches across parts of the justice system.

6. The healthcare exemption is overly broad

The exemption for healthcare services relies upon whether the professional has acted far below the standards reasonably expected of someone in their position.

This effectively delegates Parliament's judgment to whichever professional standards happen to prevail at the time. The breadth of the exemption creates the risk that conduct Parliament might otherwise regard as abusive conversion practices could escape scrutiny merely by presenting it as healthcare.

Indeed, our particular concern in this area is that children who would otherwise grow up to be same-sex attracted adults are ending up on a pathway to "transgender identity" and this pathway is presented as "healthcare".

In areas where clinical practice remains contested, particularly regarding children experiencing gender-related distress, this risks exempting practices simply because they are endorsed at a particular moment.

If Parliament intends to prohibit or permit particular practices, it should do so expressly rather than by reference to changing professional standards.

7. Conversion Practice Protection Orders are exceptionally broad

The Bill creates extensive civil powers allowing courts to impose prohibitions, restrictions and requirements before any criminal conviction has been secured.

Given the breadth and inconsistencies of the underlying definitions, these powers should be drafted with much greater precision and accompanied by stronger safeguards.

We therefore call upon the Government to:

- 1. Withdraw the current Draft Conversion Practices Bill** and reconsider the policy relating to sexual orientation and gender identity as separate policy questions, allowing each to be considered on its own evidence base, legal framework and safeguarding considerations before any legislation is brought forward.
- 2. Demonstrate that any new criminal offences are necessary** by identifying the specific conduct not already adequately addressed by existing law.
- 3. If legislation is ultimately proposed, ensure that it is narrowly drafted, legally certain and** confined to clearly defined abusive conduct, including objective statutory tests, rather than relying upon broad discretionary concepts, evolving professional standards or subjective identity-based terminology.



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