

Response ID ANON-VX19-YJUU-5

Submitted to Ending conversion practices in Scotland: consultation
Submitted on 2024-04-02 11:59:01

Defining conversion practices for this legislation

1 Do you support our approach to defining conversion practices which focuses on behaviour motivated by the intention to change or suppress a person's sexual orientation or gender identity?

Yes

2 Please give the reason for your answer to Question 1.

Please give us your views:

See statement made in Q12

Suppression

3 Do you think that legislation should cover acts or courses of behaviour intended to 'suppress' another person's sexual orientation or gender identity?

It should be covered

4 Please give reasons for your answer to Question 3.

Please give us your views:

No further comment

Overview of proposals

5 Do you support or not support an approach which uses a package of both criminal and civil measures to address conversion practices in legislation?

Support

6 Please give reasons for your answer to Question 5.

Please give us your views:

No further comment

Offence of engaging in conversion practices: the provision of a service

7 What are your views on the proposal that the offence will address the provision of a service?

Support

8 Please give reasons for your answer to Question 7.

Please give us your views:

We support the proposal. However, there is concern among psychiatrists that they may unintentionally breach legislation against conversion practices when intending to provide support and exploratory space for patients around gender and sexuality. As such we would recommend that the wording of any definitions is carefully considered, and there is clarity around what would constitute an offence for a healthcare professional under this legislation. We hope that the Scottish government will work to provide clear examples of clinical and therapeutic encounters that they consider conversion practices, and those which would not be considered so.

Offence of engaging in conversion practices: coercive course of behaviour

9 What are your views on the proposal that the offence will address a coercive course of behaviour?

Support

10 Please give reasons for your answer to Question 9.

Please give us your views:

See statement made in Q12

Offence of engaging in conversion practices: harm

11 What are your views on the requirement that the conduct of the perpetrator must have caused the victim to suffer physical or psychological harm (Including fear, alarm or distress)?

Agree

12 Please give reasons for your answer to Question 11.

Please give us your views:

The Royal College of Psychiatrists has stated that conversion practices have no scientific basis and have been shown to be harmful in this context in many countries around the world, including the United Kingdom. Alongside the Scottish Government, we as a College signed up to a Memorandum of Understanding committing to work with partners to end these practices.

It is important that the legislation is clear and unambiguous in its wording so that healthcare practitioners can continue to offer spaces for people to explore issues around their gender and sexuality. As there is emerging evidence in this field, we would want any legislation to have the flexibility to accommodate changes in patient-centred best practice.

There is concern among psychiatrists that they may unintentionally breach legislation against conversion practices when intending to provide support and exploratory space for patients around gender and sexuality. As such we would recommend that the wording of any definitions is carefully considered, and there is clarity around what would constitute an offence for a healthcare professional under this legislation. We hope that the Scottish government will work to provide clear examples of clinical and therapeutic encounters that they consider conversion practices, and those which would not be considered so.

We support the statements made under "Offence of engaging in conversion practices: for the avoidance of doubt"

Offence of engaging in conversion practices: for the avoidance of doubt

Offence of engaging in conversion practices: defence of reasonableness

13 Do you agree with the inclusion of a defence of reasonableness?

Not Answered

14 Please give reasons for your answer to Question 13.

Please give us your views:

No comments

Offence of engaging in conversion practices: proposed penalty

15 Do you agree with the proposed penalties for the offence of engaging in conversion practices?

Not Answered

16 Please give reasons for your answer to Question 15.

Please give us your views:

Outwith the remit of the College

Criminal offences – additional considerations

17 Do you agree that there should be no defence of consent for conversion practices?

Not Answered

18 Please give reasons for your answer to Question 17.

Please give us your views:

Outwith the remit of the College

19 Do you have any other comments regarding the criminal offence? These are set out in parts 7 and 8 of our full consultation document.

Please give us your views:

No further comments

Removing a person from Scotland for conversion practices

20 What are your views on it being a criminal offence to take a person out of Scotland for the purpose of subjecting them to conversion practices?

Support

21 Please give your reasons for your answer to Question 20.

Please give us your views:

See statement made in Q12

22 What are your views on the proposed penalties for taking a person outside of Scotland for the purposes of conversion practices?

Not Answered

23 Please explain your answer to Question 22.

Please give us your views:

Outwith the remit of the College

Conversion practices as an aggravating factor for existing offences

24 What are your views on the proposal that conversion practices should be an aggravating factor for existing offences?

Not Answered

25 Please explain your answer to Question 24.

Please give us your views:

Outwith the remit of the College

Consideration of Convention Rights

26 Do you have any views on the steps we have taken to ensure the proposals are compatible with rights protected by the European Convention of Human Rights?

Please give us your views :

Outwith the remit of the College

A new civil order relating to conversion practices

27 What are your views on the purposes of the proposed conversion practices protection order?

Support

28 Please explain your answer to Question 27.

Please give us your views:

See statement made in Q12

A new civil order relating to conversion practices: considerations

29 Do you agree or disagree with the proposals for who should be able to apply for a conversion practices civil order?

Not Answered

30 Please explain your answer to Question 29.

Please give us your views:

Outwith the remit of the College

A new civil order relating to conversion practices : additional considerations

31 Do you have any other comments regarding the civil order? (These are set out in parts 12–14 of our full consultation document)

Please give us your views:

No further comments

Impact assessments

32 Do you have any views on the potential impacts of the proposals in this consultation on equality by:

If you wish, please expand on your answer.:

No comment

33 Do you have any views on the potential impacts of the proposals in this consultation on children and young people, as set out in the UN Convention on the Rights of the Child?

Please give us your views:

No comment

34 Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

Please give us your views:

No comment

35 Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

Please give us your views:

No comment

36 Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

Please give us your views:

No comment

37 Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

Please give us your views:

No comment

38 Do you have any views on the potential impacts of the proposals in this consultation on the environment?

Please give us your views:

No comment

About you

What is your name?

Name:

Royal College of Psychiatrists in Scotland

What is your email address?

Email:

Scotland@rcpsych.ac.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Royal College of Psychiatrists in Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

No comment

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.:

No comment