



Neale Hanvey MP

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Rt. Hon Humza Yousaf MSP
First Minister of Scotland
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

8th January 2024

Dear First Minister

Re: The safeguarding risks of a so-called ‘ban’ on conversion therapy and related matters.

I am writing to you pursuant to your announced consultation in the New Year on proposed legislation for a so-called ban on conversion practices and the dangers and risks any such a proposal presents to young lesbian, gay and bisexual (LGB) people.

Legislation is supposed to fix a problem, not create a new one. There is little-to-no evidence that conversion practices are occurring in Scotland beyond the emerging scandal of the medical and surgical conversion of vulnerable young LGB people because of governmental enthusiasm for policies driven by gender ideology.

What little evidence there is described in a qualitative literature review conducted by Coventry University¹ and submitted to the UK Government. This has been criticised by important rights organisations, Sex Matters and Gay Men’s Network, for its narrow historical scope and its lack of relevance to the constituent countries of the UK given 85% of the data reviewed relate to practices outwith the United Kingdom. Furthermore, it is well understood in academia that a qualitative literature review of such limited scope is in no way generalisable or transferable to general populations. Its purpose is to analyse and narrowly describe a phenomenon or develop related themes for detailed exploration using substantial primary research methodologies at some later date. In short it is insufficient to qualify as evidence for legislative decision making.

¹ <https://pureportal.coventry.ac.uk/en/publications/conversion-therapy-an-evidence-assessment-and-qualitative-study>

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In addition to this gender-identity-driven conversion practices are very poorly understood as there is scant existing data and no longitudinal quantitative assessment of such practices, its outcomes, regret and desisting rates, or long-term physical and psychological sequelae. However, an increasing number of cases are emerging where young people who have been denied comprehensive information and psychosocial care have gone on to desist from gender reassignment. These young people, commonly known as detransitioners, have set out disturbing testimony² contained in the Sex Matters Policy proposal for legislation for a true ban on these modern gay conversion practices (Enc). The document cites several young people who were rapidly affirmed to accept the lie that they were “born in the wrong body” with one young gender non-conforming (GNC) gay man recounting that he was given an ultimatum to accept gender reassignment surgery. He goes on to say,

“As soon as I was conscious, I knew I had made the biggest mistake of my life.”

“My sex has been lobotomised.”

All of those young people describe in vivid and disturbing detail the many failings and gaps in the care they received that led them down a path which resulted in devastating and irreversible damage to their physical and mental health.

At its core gender-ideology is deeply homophobic and misogynistic and is utterly rejected by many LGB and transsexual people across Scotland and the wider world.

The not-for-profit organisation Gay Men’s Network was specifically established to fight modern homophobia in all its forms and to advocate for the rights of homosexual males. In their recent response to a House of Lords Private Member’s Bill introduced by Lady Burt they have raised serious concerns that such legislation will result in very real harm to young homosexuals, however unintended that may be.

The Bill you are consulting on will undoubtedly exacerbate the extant modern conversion therapy scandal affecting vulnerable GNC young people and others struggling with normal yet distressing pubertal body dysmorphia. Furthermore it risks embedding in statute the lie that GNC behaviour is evidence that some of those young people were ‘born in the wrong body’, that the normal development of puberty should be arrested with chemicals—something that can never be restarted or repaired—and that trauma and emotional distress can be fixed with cross-sex hormones and irreversible radical surgical intervention by affirming them onto an accelerated and irreversible pathway which amounts to a policy of ‘transing away the gay’. This is wrong.

According to the Gay Men’s Network an affirmation only approach ignores the following facts:

- *The vast majority of children presenting with cross sex ideation at gender clinics are same sex attracted. The Tavistock GIDS survey of recorded 90% of girls and 80% of boys as being same-sex attracted.*

² <https://sex-matters.org/posts/updates/modern-conversion/>

- *The diagnostic criteria (such as it is) for “Gender Dysphoria” relies heavily on gender non-conforming behaviour. Such behaviour is common in young homosexuals. If left to explore their cross-sex ideation, the vast majority of children desist from it. “Affirmation only” thus locks children into lifelong dysphoria.*
- *35% of the children at the Tavistock GIDS service were on the autism spectrum compared to 2% in the [general] population.*
- *70% of referrals to the Tavistock GIDS service had more than five associated co-morbidities such as abuse, depression, self-harm, suicide attempts, anxiety, eating disorders, ADHD or bullying.*

And significantly, that *Staff (including senior staff) at gender services record alarming examples of homophobia as a safeguarding risk.*

Despite the above evidence your government has chosen to dismiss the evidence and concerns set out in Dr Hilary Cass OBE’s interim report as irrelevant to Scotland’s young LGB people. I note you also intend to persist with non-statutory schools’ guidance despite the overwhelming risk of harm. Advising non-expert teachers to affirm and enable so-called ‘social transitioning’ of minors in absence of parental involvement or consent is frankly disturbing.

Perhaps you can tell me First Minister, whose needs does pubertal arrest possibly service? It impacts significantly on the natural development of an individual beyond secondary sexual characteristics not least essential neurological development. And the arrested development of secondary sexual characteristics makes gender revision all the more difficult and dangerous.

Of course, this is only one part of your government’s assault on the sex-based rights of women and LGB people. At its heart are three legislative conceits, and each are the antithesis of what they purport to be. The now defeated Self-ID’s intended purpose was to erase sex as a material category from legislation and with-it women’s and LGB people’s ability to define themselves with precision in law.

Parallel to this your revised Hate Crime and Public Order legislation seeks to exert a chilling effect on the raising of valid safeguarding concerns by criminalising some yet ignoring others.

None of this is coincidental, the same laws are being falsely promoted as “best-practice” by queer theory radicals across the world. You should know that a rapidly growing number of Scotland’s people now recognise this as the greatest social and medical scandal of our time. Healthy young people are being ‘affirmed’ and, in some circumstances, coerced into accepting irreversible treatments with scant information and little-to-no psychosocial support.

In the enclosed document Sex Matters set out policy objectives on what a real ban on modern conversion practices and its legislative aims should look like,

- *Outlaw all medical or surgical treatment of minors to modify their sexual characteristics.*
- *Outlaw medical or surgical treatment performed on anyone who has not had the full implications of the treatment explained to them.*
- *Make it a specific offence not to provide adequate information and ensure informed consent.*
- *Make it an offence to take a child abroad to get around the prohibition of modern conversion therapy.*

They helpfully suggest that such legislation could utilise the model of laws against FGM and virginity testing.

Anent to the above and your recent failed Section 35 appeal, I would suggest you be mindful of the following.

If your proposals follow other such jurisdictions captured by queer theory you will, both in purpose and effect, be criminalising good clinical practice and undermining the foundation of informed consent which is unprecedented.

Legislating to compel belief in gender ideology runs counter to the provisions in the Equality Act 2010 put beyond doubt by the *Maya Forstater v CGD Europe and Others* ruling. Forcing an ideology or belief on others is not something you can lawfully do. In addition to this any such legislation, were it not found equally as incompetent as Gender Recognition Reform, would transform the Crown Office and Procurator Fiscal Service into a pseudo-theocratic enforcement agency and would thus preclude any notion of receiving a fair trial.

As a former Justice Secretary, you will be aware of the Scottish Government's obligation to uphold the European Convention on Human Rights³. Indeed, the Scotland Act 1998 rests on the ECHR. Subsequently I hope you will be mindful that any such legislation would likely to run counter to the following articles of the convention. Articles 1 – Respecting Rights, Article 4 – Liberty and Security, Article 6 – Fair Trial, Article 8 – Privacy, Article 8 - Conscience and Religion, Article 10 – Expression, Article 13 – Effective Remedy, and Article 14 – Discrimination and if implemented could create a subsequent breach of Article 17 – Abuse of Rights.

In addition to this the Scotland Act 1998 gave the Scottish Parliament power to encourage equal opportunities, the act clearly defines equal opportunities as⁴:

³ <https://www.gov.scot/policies/human-rights/#:~:text=The%20Scotland%20Act%201998%20ensures,that%20breaches%20these%20ECHR%20rights.>

⁴ <https://www.gov.scot/publications/scottish-governments-equality-duties/>

"the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions".

This illustrates that your government is repeatedly and purposefully introducing legislation that so obviously sits outwith the legislative scope of your public sector equality duty and by dint are ripe for legal challenge. This would require a petitioner from any affected group(s) - with standing, to bring forward a petition for a judicial review. I anticipate such petitioners are actively preparing such action. Given the likely, and obvious, impingement on the Equality Act 2010, the ECHR and the Scotland Act 1998 I have high degree of confidence they would succeed.

I would also note with regards to the failed GRR Bill the Presiding Officer (Alison Johnstone MSP) made the following statement: "In my view, the provisions of the Gender Recognition Reform (Scotland) Bill would be within the legislative competence of the Scottish Parliament". The then Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison MSP) made the following statement: "In my view, the provisions of the Gender Recognition Reform (Scotland) Bill would be within the legislative competence of the Scottish Parliament". If one assumes that Ms Robison's statement was cleared by the Lord Advocate, this illustrates that they could not have been more wrong in those assertions.

In 1981 homosexuality was finally decriminalised in Scotland. In the late 1980's the LGB community battled and won against Mrs Thatcher's Section 28. Yet these legal challenges pale in significance to the attempted eradication of sex and sexuality at the hands of your governments gender obsessed force-teaming of women and LGB people with the queer theory movement.

Homosexuality is a natural and normal variant of human sexuality. It is not, as you and your government appear to think, a medical or moral disorder that requires to be corrected in adolescence by drugs and surgeries.

It genuinely pains me to write this as I could never have imagined that the party of which I was once a passionate and committed member would transform into the most authoritarian, misogynistic, and homophobic party I have witnessed in my lifetime. Like so many, I had hoped that you would correct the course of your predecessor away from gender ideology and back to the best interests of the people of Scotland and independence, but along with an increasing number of others I no longer believe that is probable or possible.

This proposed homophobic legislation makes access to professionals who are willing to provide effective explorative therapy unlawful. It is not a ban on conversion practices, it is rocket-fuel for radicalised gender ideologues to 'trans away the gay' depriving a generation of young LGB people from becoming the fabulous vibrant and unique gender non-conforming people they have every right to be.

I have great respect for the office of First Minister of Scotland, and I hope you will live up to its responsibilities to represent everyone and consider meeting personally with myself and

key organisations that challenge the queer theory ideology that underpins your current policy slate.

This is absolutely necessary if you are to have a full understanding of the very real risks LGB people now face and the determined opposition that exists from LGB and T people to policies which seek to dilute or nullify hard won LGB sex-based rights.

Yours sincerely,



Neale Hanvey MP
Alba Party Westminster Leader

Cc. Ms Ash Regan MSP, Alba Party Holyrood Leader

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Sex Matters, Policy proposal: Legislation to ban modern conversion therapy