

Powers of the Senedd to ban 'conversion therapy'

Y Pwyllgor Deisebau | 15 Rhagfyr 2020
Petitions Committee | 15 December 2020

Reference: RS20/14687-7

Petition Number: P-05-1072

Petition title: Investigate what powers the Welsh Parliament has in relation to banning conversion therapy.

Text of petition: Under Teresa [sic] May, the Conservative manifesto had a goal of banning conversion therapy. Almost two years later, this has not happened. This petition calls on the Petitions Committee to investigate what powers the Welsh Parliament has in relation to this issue, and then ban conversion therapy if possible. This barbaric and homophobic act must end.



1. Background

There is no universal definition of 'conversion therapy'. The Stonewall charity defines it as "any form of treatment or psychotherapy which aims to change a person's sexual orientation or to suppress a person's gender identity" which, it states, is "based on an assumption that being lesbian, gay, bi or trans is a mental illness that can be 'cured'".

In 2018, under Prime Minister Theresa May, the UK Government's Equalities Office published an LGBT Action Plan ("Action Plan") which said the UK Government would bring forward proposals to "end the practice of conversion therapy" and that it would "fully consider all legislative and non-legislative options to prohibit promoting, offering or conducting conversion therapy".

To date, the UK Government has not introduced proposals to end the practice of conversion therapy.

The House of Commons Petitions Committee has considered a petition calling on the UK Government to "make LGBT conversion therapy illegal in the UK". The petition closed on 13 September and will be considered by the UK Parliament for a debate.

Responding to the House of Commons petition, a Welsh Government spokesperson stated:

"Conversion therapy is banned throughout the NHS. We expect any organisation providing services on behalf of the NHS in Wales to give a firm commitment it does administer this kind of 'therapy'"

"We continue to engage with and work with LGBT+ people in Wales to advance equality for all".

There does not appear to be any discussion of 'conversion therapy' in the Senedd Record of Proceedings.

2. Senedd's Legislative Competence

The UK Government's Action Plan in 2018 stated that "the majority of the commitments" within it would only have effect in England as certain "policy areas such as health and education are fully devolved". However, it specifically stated that commitments to end conversion therapy "will require a UK-wide approach". Although not expressly stated, this may indicate that the UK Government does not consider the prohibition of conversion therapy to be devolved.

However, in considering the admissibility of the petition, Senedd Legal Services concluded that the banning of conversion therapy does not constitute "something that the Senedd clearly does not have the power to do".

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