

# **Conversion Practices Prohibition Legislation Bill**

**To the New Zealand Parliament  
Justice Select Committee**

*September 2021*

## **Wellington City Youth Council**

Te Rūnanga Taiohi o te Kaunihera o Pōneke

We wish to appear in person to support our submission.

Contact person:

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## Introduction

1. The Wellington City Youth Council welcomes the opportunity to submit on the Conversion Practices Prohibition Legislation Bill.
2. Conversion practices are harmful to young LGBTQIA+ people, and we therefore support the passage of the bill to reduce harm and encourage supportive, open discussions of sexuality and gender.
3. Youth Council wishes to make the highlight the following points and suggestions to further ensure that the bill optimally protects all young people:
  - a. The consistent use of the terminology “conversion practices” rather than “conversion therapy” throughout the bill ensures that these practices are not misconstrued as being acts to ‘improve’ young people.
  - b. Young gender diverse people are particularly likely to experience poor wellbeing, therefore it is important that gender identity and expression remain protected grounds.
  - c. Protections need to be included which recognise the unique experiences of intersex people within the realm of conversion practices.
  - d. Recognition of the long-term harms of conversion practices on young people should be considered in terms of support offered to victims.
  - e. We support the protections in the Bill for the promotion of respectful and open discussions regarding sexuality and gender, noting that these contribute to young people and their loved ones having positive understandings of gender and sexuality and being supported.
  - f. Allowing procedures through the Civil Offence Pathway makes the process more accessible for young people.
  - g. The range of criminal liability needs to be extended to protect young people over the age of 18 as well as those under this age.

## Conversion Practices as the preferred terminology

4. Firstly, the Wellington City Youth Council wants to acknowledge the Parliamentary Counsel office and the Justice Select committee for not using the term “conversion therapy” on this bill, rather using the terminology of “conversion practices”.

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5. The phrase “therapy” typically refers to a practice which is seen as helping someone to mend or improve themselves. This is why the term “conversion therapy” has often been used as a basis for justifying these practices on vulnerable young people, presenting the practices in a positive manner.
6. However, the Youth Council supports the notion that conversion practices are not therapy, rather they are harmful acts. Therefore, we support that these acts, as they are discussed in legislation, are not described as therapy.
7. Additionally, methods of conversion practices are diverse and may change. These methods are most likely to be captured by the broad term “conversion practices” (with appropriate definition), further protecting young people.

### **Protected Characteristics**

8. Youth Council commends the bill’s inclusion of gender expression, gender identity, and sexuality in the definition of prohibited conversion practices.
9. Maintaining gender identity and expression as protected grounds, in addition to sexuality, is important for ensuring that the diversity of the LGBTQIA+ community is protected by this bill.
10. This is particularly important in light of evidence that young gender diverse people are more likely to experience poor wellbeing and a significant proportion of gender diverse people have been exposed to conversion practices.
11. In addition to the protections currently outlined in the bill, we would also like the committee to consider how intersex people could be protected through the bill.
12. We highlight that inappropriate operations on intersex people is a significant issue affecting young intersex people, and that the bill does not currently address issues specific to intersex people.

### **Wellbeing needs of young victims of conversion practices**

13. There is strong evidence that conversion practices are detrimental to the wellbeing of young LGBTQIA+ people.
14. For example, many LGBTQIA+ people face criticism and bias based on actual or perceived sexual orientation, gender identity or gender expression, which results in negative outcomes on their mental health such as distress, anxiety, depression, negative self-image, etc.

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15. Furthermore, LGBTQIA+ young people who were highly rejected by their parents or caregivers tend to have high rate of depression, suicide or attempted suicide, reporting feelings of personal failure from within their whanau.
16. While civil and criminal offences relating to conversion practices provide important disincentives and mechanisms for justice, they do not fully address wellbeing issues such as those mentioned above for past or future victims of conversion practices.
17. The availability of support services for LGBTQIA+ young people is variable, and we are particularly concerned that in some instances, the institutions young people would usually go to for help may have been responsible for inflicting conversion practices, making them unsuitable.
18. We therefore encourage the committee to explore mechanisms to support the victims of conversion practices beyond the prosecution process outlined in this Bill, with a focus on rangatahi.

### **Support for promotion of respectful and open discussions regarding sexuality and gender**

19. We recognise the value of respectful and open discussions regarding sexuality and gender, particularly in the context of family/whānau and relations with medical professionals to young LGBTQIA+ people.
20. We therefore support the promotion of respectful and open discussions regarding sexuality and gender being a stated objective of the bill.
21. We believe that the proposed definition of conversion practices alongside proposed safeguards and the aforementioned objective sufficiently protect respectful and open discussions regarding gender and sexuality

### **Increasing the accessibility of justice through a Civil Offence Pathway**

22. Youth Council supports the proposed civil pathway to redress.
23. Given that young victims of conversion practices are likely to have been negatively affected by conversion practices, the more accessible and conciliatory approach of the Human Rights Commission is particularly valuable as an alternative pathway to criminal procedures.

24. This includes making the process as simple and accessible as possible, particularly to young people, through clear, effective communication and timely responses. This may require additional funding.

## Extending the breadth of criminal offence applicability

25. We commend the bill's particular focus on young people, as a vulnerable group, in making conversion practices against people under 18 years of age a criminal offence.

26. However, the harms of conversion practice are not limited to those under the age of 18, with many young adults still being at risk of being influenced by others.

27. For example, many young people who are over the age of 18 may still live at home, such as university students, and be subject to some of the same pressures from family members or other community connections as those which individuals under the age of 18 may experience.

28. We are also concerned that the distinction of the age of 18 implies that conversion practices against people aged 18 and over are less problematic, and may lessen some young adult's confidence that conversion practices against them are illegal.

29. We encourage the committee to consider broadening section 8's coverage of under 18 year olds to also include other young people.

## Conclusion

30. Youth Council supports the proposed Bill.

31. Specifically, we support the banning of conversion practices as a means to protect members of the LGBTQIA+ community.

32. We note the use of conversion practices as the preferred term throughout this Bill.

33. We note that young people are particularly vulnerable to being subjected to conversion practices.

34. We submit that the age of victims at which criminal liability applies should be extended to further protect vulnerable young people aged over 18.

35. We submit that all outcome pathways for victims of conversion therapy need to be as easily accessible as possible in order to avoid further harm caused by barriers in the system.

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36. We encourage the committee to give further consideration to support for the wellbeing of victims of conversion therapy.
37. We encourage the committee to ensure the bill optimally protects intersex people.
38. We endorse the promotion of open and supportive discussions around sexuality and gender, noting the importance of these to young LGBTQIA+ people.