

UPDATED
Includes information on the
bill currently before Parliament



CONVERSION THERAPY BAN

Criminalising parents, carers & counsellors



BACKGROUND

The Labour government has introduced the "Conversion Practices Prohibition Legislation Bill" which is a proposed law to ban 'conversion therapy'.¹ It is vital that families, faith and community leaders understand what is in the bill, and what the effect will be – irrespective of how the proposed law is 'sold' by the politicians and the media.

▶ WHAT IS 'CONVERSION THERAPY'?

The term 'conversion therapy' has been coined by activists but not clearly defined – so the rest of us are left trying to work out what it means.

If it means practices which are coercive, abusive or involuntary, or includes things like electric shock therapy or 'anti-gay boot camps', then we can all agree such things are inhumane and must be condemned. These types of 'therapy' should not be part of any community, let alone a faith-based one. Therapy or counselling should never be forced on anyone. Sadly, in the past, many state institutions sanctioned inhumane treatments such as electroconvulsive therapy (ECT)², being stripped naked and being locked in a small room³, massive doses of medication⁴, lobotomies and screaming patients chained to chairs⁵. **Fortunately, these are not part of current practice and certainly not part of any religious organisation.**

However, banning 'conversion therapy' has expanded to mean stopping someone who experiences **unwanted** same-sex attraction or gender dysphoria from getting counselling or support of any sort that they may themselves desire. **The government want to criminalise the discussion and practice of alternatives to hormones, surgery and confusion.**

▶ CRIMINALISING PARENTS

Under the proposed law, **parents – yes, parents – could be criminalised and liable to three (and possibly even five) years imprisonment** simply for affirming that their sons are boys and their daughters are girls! A ban would criminalise parents who wish to protect their child from the physical, emotional and psychological harm caused by gender dysphoria. **Complaints can also be made to the Human Rights Commission and the Human Rights Review Tribunal – which will also have a chilling effect.**

This 'ban' could turn parents into criminals, religious leaders & counsellors into 'human rights abusers', and make it impossible for faith-based schools to teach that you are born male or female.



INTERVIEWER: Parents, for example, saying to a child who may be prepubescent saying "I want to go on hormone blockers" saying "no you can't" – that's cool with you?

MINISTER OF JUSTICE KRIS FAAFOI: No it's not...

Newstalk ZB, 30 July 2021

Listen to the full clip <https://bit.ly/3xcmSjj>

For source references, testimonies, and further background reading, visit

FreeToLive.nz



A mother who encourages and helps her 12-year-old daughter to accept the body she was born with, rather than being placed on dangerous puberty blockers and wearing chest binders, could be committing a criminal offence. That's how dangerous this bill is. Can Dad even gently discourage his nine-year-old son from wearing a dress and using the girls' public toilets?

A parent who promotes biological sex could be criminalised, but an activist who indoctrinates young children with the concept of 'gender fluidity' and 'third gender' will be celebrated. Affirming biological sex will become illegal; affirming 'gender identity' will remain legal.

This is not loving or compassionate towards children. Numerous reviews show the majority of children who are confused about their gender also suffer from diagnosed mental disorders, such as depression and anxiety. As Australian paediatrician Dr John Whitehall asks: *"Isn't the current 'transitioning' of a child to an alternate gender just another form of 'conversion therapy', using the old and abhorrent means of psychological pressure, hormones and surgery?"*

► CRIMINALISING COUNSELLORS, CARERS & TEACHERS

Under the proposed ban, it would be illegal for a counsellor, spiritual leader, pastor, youth worker, teacher or other professional to counsel a child or adult with gender dysphoria in a way that **affirms biology**. **They could be liable to up to five years imprisonment.**

If a young person, for example, wanted to align their sexuality with the teachings and values of their particular faith – be it Muslim or Christian, Jewish or Sikh, etc – and sought help to do so from a minister or faith leader, the proposed law change would make it virtually impossible to access the support they wanted. Furthermore, if they were able to find someone prepared to provide counselling of that kind, they could well cause that person to become implicated in a criminal offence. Even an ethical discussion of this risk with a counsellor, faith leader or youth worker **could be interpreted by the patient, and the law, as 'trying to stop you' ("suppressing" as termed in the proposed law) being trans or gay'.**

It also seems possible that prayer, as part of counselling or within the setting of a religious meeting for example, could fall inside the concept of 'conversion therapy'. Thus, if a church minister, imam or youth leader were to pray for a teenager to be freed from *unwanted* sexual thoughts, this could be interpreted as constituting a criminal offence. **It may therefore become dangerous for a child or adult to express confusion over their sexuality or gender.** No-one would be able to legally protect them from the gender-transitioning protocols that are backed by the State.

► CRIMINALISING FAITH-BASED SCHOOLS & PLACES OF WORSHIP

Islamic and Christian schools could be breaking the law for teaching their students that Allah/God made us male and female. Church leaders, youth workers and imams could become criminals for reading and explaining the Quran or the Bible – that is, for doing their job – if the student believes their identity is being 'changed or suppressed'.

All New Zealanders have a right to freedom of religion. This teaching and explaining is a legitimate activity for places of worship, faith-based schools and for other religious groups.



If your daughter learns about gender fluidity at school and says they're no longer a girl, you have to affirm that. Encouraging a "wait and see" approach could be criminal.

One-on-one counselling to help a teen struggling with body image due to anorexia would be permitted, but the very same counselling would be prohibited if the goal is to help a teen struggling with body image due to gender dysphoria.



▶ SELECT COMMITTEE & MINISTRY OF HEALTH SAID “NO”

In **2019**, the **Justice Select Committee**, consisting of MPs from Labour and National, considered two petitions wanting to ban ‘conversion therapy’. In their report, they **declined to support such a ban**, stating:

“The Bill of Rights Act affirms, protects, and promotes human rights and fundamental freedoms in New Zealand. It allows all New Zealanders to live free from discrimination, including in relation to their sexual orientation. New Zealanders also have the right to freedom of religion. This protects those who offer and seek out conversion therapy because of their religious views.”⁶ (our emphasis added)

In **2018**, Official Information Act requests show that then-Associate Minister of Health and Green MP Julie Anne Genter was advised by the **Ministry of Health**:

“Due to the current protections that are in place, and the need to balance the rights of people with preventing harm, it is not recommended that a legislative ban of conversion therapy would be the most effective way to reduce the harm it causes...”⁷ (our emphasis added)

The ministerial advice also notes that people have the freedom to willingly engage in the practice, that protections already exist in the health sector, and that a ban “*could be inconsistent*” with the NZ Bill of Rights Act 1990 “*which provides for rights of assembly, free speech and rights to freedom of religion*”.

▶ ONE ‘INFORMAL’ COMPLAINT IN 10 YEARS!

The **Human Rights Commission** in response to an Official Information Act request from Family First NZ has admitted that there has only been one informal complaint and no formal complaints in the past 10 years in relation to ‘conversion therapy’. The **Office of the Health and Disability Commissioner**, in response to a similar inquiry, was also unable to provide any specific numbers. An informal search of 1400 decisions dating back to 1997 suggests that there have been no complaints around ‘conversion therapy’. Some of the politicians who have supported the proposed ban have admitted they’re also not aware of any cases of involuntary ‘conversion therapy’ in their communities.⁸

▶ THE RIGHT OF SELF-DETERMINATION

The right of self-determination is a founding principle of the mental health profession, and **for children, the wider whanau/ family is part of this important value and support base.**

To restrict the ability to give or receive counselling, teaching, prayer, group discussion and guidance on important personal issues like sexual orientation, gender identity and gender expression would constitute a serious interference with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (BORA).

Those who dare to seek inner freedom and healing from *unwanted* behavioural or thought patterns will have nowhere to turn as a result of this proposed ban. **The law would oppress and violate the right to seek whatever lifestyle you desire.**



▶ THE CONTRADICTIONS

When introducing the “Conversion Practices Prohibition Legislation Bill”, Minister of Justice, Kris Faafoi, said: “[Conversion practices] are based on the false belief that any person’s sexual orientation, gender identity, or gender expression is broken and in need of fixing.”⁹ Yet, when it comes to gender dysphoria, the conversion practices of the LGBT movement are based on the notion that **there is something fundamentally wrong with these individuals: that they were ‘born in the wrong body’**. The contradiction is obvious.

Another contradiction: Convincing people that they are a different gender to their biological sex is **not** considered 'conversion therapy'. Nor is it considered 'conversion therapy' to encourage a person to explore and develop same-sex attraction. But if a same-sex attracted individual wishes to explore and strengthen a heterosexual attraction or lifestyle, or a person wishes to align with their biological sex, it would be illegal – subject to a fine or imprisonment – to encourage them to do so under the proposed bill.

POLLING – WHAT DO NEW ZEALANDERS THINK?

Curia Market Research - December 2020 (1,000 respondents, margin of error of +/- 3.1%)

Q: If a person is unsure about their sexual orientation or gender identity, should they be able to seek counselling support to determine their own direction in how they identify?

■ **81% YES** 12% NO 7% UNSURE

Q: If a child is confused about their gender, should it be a crime for a parent to affirm to their daughter that she's a girl or to their son that he's a boy?

■ **81% NO** 7% YES 12% UNSURE

Q: Should it be a crime for a faith leader to teach a Biblical or Quran view of sexuality, and of gender being determined at birth?

■ **62% NO** 16% YES 22% UNSURE

☰ SUMMARY

All New Zealanders should be protected from coercive, abusive or involuntary psychological or spiritual practices. However, participation in psychological assessments, counselling sessions, prayer meetings and other therapeutic practices is almost always an expression of voluntary behaviour and personal freedom. **Under this proposed ban, people would be prevented from getting help to live the lifestyle they choose – if that lifestyle is heterosexual and/or based on their biological sex. And children could not be encouraged to embrace their biological sex.**

While gender and sexuality is supposedly 'fluid', activists want the law to stipulate that it can only go in the direction they approve.

To penalise people on the basis of their beliefs or personal lifestyle choices lacks fairness and is a dangerous discrimination. To criminalise parents who genuinely care for their children should certainly not be a crime warranting up to five years in jail.

📢 WHAT CAN YOU DO?

- Make an appointment to visit your local MP/s, or write to them and express your views about this important issue. The contact details of all MPs (plus an easy-to-use email set-up) are on our website **HaveYourSay.nz**
- **MAKE A SUBMISSION:** The Government is now asking for public submissions on the bill. It's vital that leaders and families speak up. Go to **FreeToLive.nz/Submission**
- Read more background information on the official website **FreeToLive.nz**



For source references, testimonies,
and further background reading, visit

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