

Ref: 220528

10 February 2023

Bob McCoskrie

By email to bob@familyfirst.org.nz

Tēnā koe Bob

On 10 January 2023 you requested further information from the Human Rights Commission (the Commission), under the Official Information Act 1982 (OIA), after our 8 December 2022 response to your original request dated 10 November 2022. In your second request you seek:

1. Of the 6 enquiries as of 28 November 2022 alerting you to potential conversion practices, and the 2 from allies concerned about someone in their life who is experiencing conversion practices:
 - a. What was the result of the investigations by the CPRS?
 - b. How many were referred to the police?
 - c. How many of these 8 complaints were relating to practices after 18 August 2022 (implementation of the Act)?
2. What engagement has there been over the past 2-3 years by the HRC with individuals who made submissions against the new law and who had positive experiences of receiving counselling to deal with unwanted sexuality and gender confusion issues?

Request 1 - Enquiries

As Te Kāhui Tika Tāngata | the Human Rights Commission does not itself have investigatory powers, including under the Conversion Practices Prohibition Legislation Act 2022 (the CP Act), none of the conversion practices enquiries have been investigated.

Where an enquiry falls within the scope of the CP Act, the Commission can offer civil redress consistent with Part 3 of the Human Rights Act 1993 (HRA). This involves the provision of free, confidential and impartial mediation services that may assist people to resolve their disputes.¹ If a matter is not resolved through the Commission's dispute resolution services, the complaint may be referred to the Human Rights Review Tribunal.²

None of the eight complaints you refer to were within scope of the criminal threshold in the CP Act. Accordingly, none were referred to Police.

¹ Human Rights Act 1993, s 77.

² Human Rights Act 1993, ss 84, 90 and 92B.

One of the eight complaints you refer to in your request was for activity after 18 August 2022. However, as outlined to you in our 8 December 2022 response, this complaint was not directed at an individual, and so did not fall within scope of the CP Act.

Request 2 - Engagement

In response to your second request, we note the Commission engaged with a range of individuals and organisations in both the lead up to, and since the passing of, the CP Act. Some people reported initially having a type of positive response to conversion practices, but invariably, in time, this was not sustained and the inevitable significant harm became clear. This is consistent with the overwhelming majority of the peer reviewed evidence base³, and it is a key message the survivor community seeks to communicate – while it may be possible to temporarily suppress a part of who we are, it is not sustainable in the long-term, and it is always harmful in the end.

The CP Act was introduced into Parliament as a Bill by the former Minister of Justice and reviewed by Parliament's Justice Select Committee before it was passed in Parliament. It is within their responsibilities to receive and consider any queries not in support of the CP Act itself. Enquiries about the wider merits or substance of the CP Act, including what voices were engaged, are a matter for the Minister of Justice.

Alongside many other individuals and groups from civil society, the Commission made a submission on the Bill to the Justice Select Committee. In making submissions, the Commission's role is to outline international and Aotearoa New Zealand human rights obligations, including Te Tiriti o Waitangi obligations, and recommend how proposed legislation can best uphold these obligations. In doing so, the Commission must be cognisant of the fundamental human rights principles of equality and non-discrimination, including the need to take special measures to protect those most marginalised within our society.⁴ In the context of the CP Bill, it was clear from peer-reviewed evidence that those most marginalised and harmed are the victims and survivors of conversion practices, and other recipients of homophobia and transphobia.⁵ This is supported by the leading clinical and psychological peak bodies, all of whom supported the CP Act, and most of whom called for it to be stronger, as outlined in the Ministry of Justice Departmental Report.⁶

As outlined above, the CP Act grants the Commission specific functions to facilitate civil redress for conversion practices through our dispute resolution processes. Separate to this, the Commission has a number of broader functions under the HRA including to advocate for, promote through education, undertake research, prepare and publish guidelines and engage with civil society on human rights issues in

³ Refer to the Commission's [Justice Select Committee submission on the Bill](#) for further discussion and references.

⁴ New Zealand Bill of Rights Act 1990, s19.

⁵ Refer to the Commission's [Justice Select Committee submission on the Bill](#) for further discussion and references.

⁶ https://www.parliament.nz/resource/en-NZ/53SCJU_ADV_113397_JU226248/294776e87207d3db0411cb24645ed8072dc02366

Aotearoa.⁷ Through these functions the Commission is also working to help a range of people, including survivors, their families and religious and cultural communities, to understand what a conversion practice is and the support available that is available to them.

I hope this information is helpful.

Alternative avenues

If you are not satisfied with this response, under the OIA you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at www.ombudsman.parliament.nz or on freephone 0800 802 602.

Ngā mihi nui

Matt Langworthy

Team Lead & Lived Experience Advisor
Conversion Practices Response Service
New Zealand Human Rights Commission | Te Kāhui Tika Tangata

⁷ Human Rights Act 1993, s5.