Submission on Victoria’s legislative options to implement a ban on conversion practices

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Preamble

The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public’s health in Australia.

The PHAA works to ensure that the public’s health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people’s health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.
Our views

PHAA welcomes the opportunity to provide input to the Department’s consideration of legislative options to implement a ban on sexuality and gender identity conversion practices.

Please note that this submission will avoid using the inappropriate term ‘conversion therapy’ as the word ‘therapy’ denotes the use of evidence-based practices that are beneficial to individuals and society on a holistic level. We are therefore pleased to see that the Department has adopted the same terminology.

The PHAA welcomes the Victorian Government’s intention to introduce a ban on conversion practices that attempt to change a person’s sexual orientation or gender identity. Same sex (or same gender) attraction, gender diversity, and bodily diversity are all normal aspects of human diversity.

It is recognised internationally that attempts to alter this diversity through ‘conversion’ or ‘reparative’ practices is in fact harmful to the individual. Conversion practices are to some extent based on false and discredited notions of homosexuality as a mental illness and disregards the removal of homosexuality from evidence-based mental and physical health diagnostic manuals in the 1970s.(1) Respected international health bodies including the American Medical Association, the American Psychological Association, and the American Academy of Paediatrics have all called for the practice of conversion practices to be ended.(2)

Banning conversion practices is in line with emerging international standards. The United Nations has condemned conversion practices as a human rights violation, and in 2015 The Lancet published a statement after President Barack Obama called for the banning of conversion practices in the United States.(3)

PHAA endorses the ban on conversion practices on two distinct grounds:

1. that services which claim to be health ‘treatments’ should not commit or perpetuate harm
2. that allowing individuals to express their sexual and/or gender identity is a human right

All personal services, whether described as health-related or otherwise, that may impact on health and wellbeing should be based on the best available research evidence. To date there is no high-level and peer-reviewed evidence substantiating any positive health outcomes of conversion practices, and in fact there is evidence of seriously deleterious impact on the mental health and wellbeing of persons subjected to conversion practices.(4)

Indeed, there is ample evidence that conversion practices cause psychological harm. In the United States, LGBTQI+ young people who have undergone conversion practices were twice as likely to have attempted suicide (42% compared to 17%).(5) This disparity is even higher for transgender and non-binary individuals exposed to conversion practices. There are also many LGBTQI+ young people who have experienced someone trying to convince them to change their gender identity or sexual orientation, but have not undergone formal conversion practices.(5)

Being exposed to conversion practices has long-term impacts on the individual, including impacting sexual function, depression, anxiety and suicidality.(6) When conversion practices are sought by parents of the individual, the individual experiences poor health and adjustments in young adulthood, specifically higher levels of depressive symptoms and suicidality. (7)

Taking this evidence into account, PHAA supports banning such practices in Australia due to the harm that it causes individuals who are exposed to such practices.

Despite the banning of conversion practices in many states of the United States, the practice continues to occur(2), indicating that any legislation to ban conversion practices in Australia will need to be robust in ensuring that such practices do actually cease.
LGBTIQ individuals should be able to live their lives to the fullest, and the capacity to be able to express their personal identity is itself a human right.

The PHAA notes that conversion practices often draw on narrow interpretations of religious teachings and beliefs. While the PHAA respects the freedom of religion and freedom of speech, the scope of such ‘freedoms’ when in practical conflict with other human rights and freedoms requires balance. Specific claims of religions ‘freedom’ need to be executed with careful consideration of human rights and the potential and actual health impacts on individuals and population groups.

**Recommendation**

PHAA supports the Victorian Government’s intention to introduce a ban on conversion practices that attempt to change a person’s sexual orientation or gender identity. We are particularly keen that the following points are highlighted:

- Same sex (or same gender) attraction, gender diversity, and bodily diversity are all normal aspects of human diversity. In line with principles of non-maleficence (that is, to not commit or perpetuate harm) health, wellbeing, community and social service providers should not engage in conversion practices.
- Allowing individuals to express their sexual and/or gender identity is a human right.

The PHAA appreciates the opportunity to make this submission and the opportunity to support the ban on conversion practices in Australia. Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.

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References