**Input from Human Rights Campaign (HRC) to the Report of the U.N. Independent Expert on SOGI with a focus on practices of so-called “conversion therapy”**

**December 21, 2019**

HRC wishes to thank the Independent Expert for the focus on this critical issue that has been a major concern of our organization for many years, resulting in the 2107 groundbreaking publication, along with NCLR, of [Just As They Are: Protecting our Children from the Harms of Conversion Therapy.](https://assets2.hrc.org/files/assets/resources/just-as-they-are-sept2017.pdf) This document, along with the longer list of resources provided at the end of this input, provide answers to many of the questions posed below. In the absence of national federal protections against “conversion therapy”, the burden of protection of at-risk populations has been assumed by many medical and mental health organizations, states and local municipalities. Some of these protections are listed below.

**Report Questions:**

**1. What different practices fall under the scope of so-called “conversion therapy” and what is the common denominators that allow their grouping under this denomination?**

Conversion therapy is any attempt to change a person’s sexual orientation or gender identity. However, because the practice has come under increasing scrutiny, providers frequently change their terminology to avoid detection. Some of those terms can seem relatively harmless at first glance. Here are a few examples:

* sexual orientation change efforts (SOCE)
* sexual attraction fluidity exploration in therapy (SAFE-T)
* eliminating, reducing or decreasing frequency or intensity of unwanted same-sex attraction (SSA)
* reparative therapy
* sexual reorientation efforts
* ex-gay ministry
* promoting healthy sexuality
* addressing sexual addictions and disorders
* sexuality counseling
* encouraging relational and sexual wholeness
* healing sexual brokenness

Proponents of conversion therapy often intentionally conflate the attempted altering of sexual orientation, gender identity or gender expression with the treatment of an actual condition such as sexual addiction. Some claim they are helping clients explore their “sexual fluidity,” or they emphasize that their clients struggle with “unwanted same-sex attractions” or “gender confusion.

(From [Just As They Are](https://assets2.hrc.org/files/assets/resources/just-as-they-are-sept2017.pdf), page 8)

**2. Are there definitions adopted and used by States on practices of so-called “conversion therapy”? If so, what are those definitions and what was the process through which they were created or adopted?**

**3. What are the current efforts by States to increase their knowledge of practices of so-called “conversion therapy”? Are there efforts to produce information and data on these practices?**

None by the federal government. Many of the states that have outlawed it do have resources. In addition, the following medical and mental health bodies have rejected it:

American Academy of Child and Adolescent Psychiatry,

American Academy of Pediatrics

American Association of School Administrators

American Association for Marriage and Family Therapy

American College of Physicians

American Counseling Association

American Federation of Teachers

American Medical Association

American Osteopathic Association

American Psychiatric Association

American Psychoanalytic Association

American Psychological Association

American School Counselor Association

American School Health Association

Interfaith Alliance Foundation

National Association of School Psychologists

National Association of Secondary School Principals

National Association of Social Workers

National Education Association

Pan American Health Organization (PAHO):

Regional Office of the World Health Organization

School Social Work Association of America. (From [Just as they Are](https://assets2.hrc.org/files/assets/resources/just-as-they-are-sept2017.pdf?_ga=2.66015918.1870007517.1576791910-805280026.1504723926) page 13)

**4. What kinds of information and data are collected by States to understand the nature and extent of so-called “conversion therapies” (e.g. through inspections, inquiries, surveys)?**

Research organizations such as the Williams Institute and NGO’s are collecting this data. For example: “Conversion therapy continues to be used in the U.S. despite support for ending the practice among prominent medical and mental health associations and the public. An estimated 698,000 LGBT adults in the U.S. have received Conversion Therapy and treatment to change their sexual orientation or gender identity at some point in their lives, including about 350,000 who received treatment as adolescents. As of June 2019, 18 states, the District of Columbia, and a number of localities had enacted laws banning licensed professionals from using conversion therapy on youth. An estimated 16,000 LGBT youth will receive conversion therapy from a licensed professional before they reach the age of 18 in the 32 states that currently do not ban the practice. In addition, an estimated 57,000 LGBT youth across all states will receive conversion therapy from religious or spiritual advisors.” (From [Williams Institute Study 2019](https://williamsinstitute.law.ucla.edu/wp-content/uploads/Conversion-Therapy-LGBT-Youth-Update-June-2019.pdf) page 5.)

**5. Has there been an identification of risks associated with practices of so-called “conversion therapy”?**

[Yes, many, including in HRC and NCLR’s Just as they Are](https://assets2.hrc.org/files/assets/resources/just-as-they-are-sept2017.pdf), and HRC’s [The Lies and Dangers of Reparative Therapy](https://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy), the groundbreaking work by the [Trevor Project,](https://www.thetrevorproject.org/trvr_press/landmark-study-finds-39-percent-of-lgbtq-youth-and-more-than-half-of-transgender-and-non-binary-youth-report-having-seriously-considered-suicide-in-the-past-twelve-months/) as well as by the medical and mental health bodies noted above. In particular, the [heightened risks faced by the trans community in the U.S.](https://www.reuters.com/article/us-health-transgender/transgender-people-in-u-s-still-face-conversion-therapy-attempts-idUSKCN1VQ24A) continue to be of grave concern.

**6. Is there a State position on what safeguards are needed, and what safeguards are in place to protect the human rights of individuals in relation to practices of so-called “conversion therapy”?**

During the Obama administration, there were efforts in Congress to introduce a number of different bills and resolutions, including, for example, in 2015:

- H.R. 2450: Therapeutic Fraud Prevention Act;

-S.Res. 184: Stop Harming Our Kids Resolution of 2015;

- HR 3060: Stop Child Abuse in Residential Programs for Teens Act of 2015; and

- H.Con.Res. 36.

The Therapeutic Fraud Prevention Act, introduced in both the House and Senate in 2017 and 2015, would have classified conversion therapy provided in exchange for payment as a form of consumer fraud. The law would have allowed state attorneys general and the Federal Trade Commission to bring enforcement actions against individuals who provide conversion therapy for payment or advertising such services. Additionally, the Prohibition of Medicaid Funding for Conversion Therapy Act and the Every Child Deserves a Family Act would limit the practice of conversion therapy by prohibiting payments under the Medicaid and Social Security programs for conversion therapy. Both of these bills were introduced in Congress in 2019. (From [Williams Institute study 2019](https://williamsinstitute.law.ucla.edu/wp-content/uploads/Conversion-Therapy-LGBT-Youth-Update-June-2019.pdf))

**7. Are there any State institutions, organizations or entities involved in the execution of practices of so-called conversion therapy? If so, what criteria have been followed to consider these as a form of valid State action?**

**8. Have any State institutions taken a position in relation to practices of so-called “conversion therapy”, in particular:**

a. Entities or State branches in charge of public policy;

b. Parliamentary bodies;

c. The Judiciary;

d. National Human Rights Institutions or other State institutions;

e. Any other entities or organizations.

There is no U.S. federal ban on such practices, but there are [currently eighteen states and the District of Columbi](https://www.lgbtmap.org/equality-maps/conversion_therapy)a that prohibit the practice of conversion therapy with children under the age of 18 by licensed mental health professionals. Many states are actively considering such legislation, some also that include protections for vulnerable adults, restrictions on the use of state funds, and consumer protection provisions.

Under Connecticut, Illinois, and New Hampshire laws, the use of conversion therapy on youth is also considered an unfair business practice, and the laws allow for enforcement and penalties consistent with other state laws against such practices. In addition, in 2015, a New Jersey court held that providing conversion therapy in exchange for payment constitutes a fraudulent business practice, regardless of whether it is used on youth or adults.

(From [Williams Institute Study](https://williamsinstitute.law.ucla.edu/wp-content/uploads/Conversion-Therapy-LGBT-Youth-Update-June-2019.pdf) page 4)

A growing number of municipalities have also enacted similar protections, including cities and counties in Ohio, Pennsylvania, Washington, Florida, New York, Arizona, and Wisconsin.

In addition, providers have been sued in court. In 2015, former clients of conversion therapy provider JONAH (Jews Offering New Alternatives for Healing) won their suit for fraud in New Jersey state court. In 2016, HRC, the National Center for Lesbian Rights, and the Southern Poverty Law Center filed a consumer fraud complaint with the Federal Trade Commission against People Can Change (now known as Brother’s Road), a prominent conversion therapy provider.

**Current Resources**

* HHS SAMHSA Report: <https://store.samhsa.gov/product/Ending-Conversion-Therapy-Supporting-and-Affirming-LGBTQ-Youth/SMA15-4928>
* HRC’s Just As They Are Report: <https://www.hrc.org/resources/just-as-they-are>
* Organizational Position Statements: <https://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy>
  + Recent AMA support for legislative protections: <https://www.ama-assn.org/press-center/press-releases/ama-adopts-new-policies-during-first-day-voting-interim-meeting>
  + National Child Welfare Orgs Letter: <https://www.hrc.org/blog/mental-health-child-welfare-education-orgs-back-legislative-efforts-to-prot>
* Overview, including harms and prevalence: <https://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>
* Health organizations’ position statements: <https://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy>
* Recent studies:
  + Prevalence, harms and impacts - Williams Institute (June 2019): <https://williamsinstitute.law.ucla.edu/demographics/conversion-therapy-and-lgbt-youth/>
  + Prevalence in transgender community: <https://www.reuters.com/article/us-health-transgender/transgender-people-in-u-s-still-face-conversion-therapy-attempts-idUSKCN1VQ24A>
  + Harms - Family Acceptance Project (2018): <https://familyproject.sfsu.edu/conversion-therapy-begins-at-home>
  + Conversion Therapy in the Transgender Community (2019) - <https://jamanetwork.com/journals/jamapsychiatry/article-abstract/2749479>
    - <https://www.nbcnews.com/feature/nbc-out/transgender-conversion-therapy-associated-severe-psychological-distress-n1052416>
  + Harms on Youth - Trevor Project (2019): <https://www.thetrevorproject.org/trvr_press/landmark-study-finds-39-percent-of-lgbtq-youth-and-more-than-half-of-transgender-and-non-binary-youth-report-having-seriously-considered-suicide-in-the-past-twelve-months/>