

## Valuing Difference: Conversion Therapy in an International Human Rights Framework

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*“This is how I learned that if I didn’t define myself for myself, I would be crushed into other people’s fantasies for me and eaten alive.” —Audre Lorde*

This project seeks to critically examine, through a queer feminist lens, the relationship between human rights law and conversion therapy. Conversion therapy is a term that describes a broad range of practices that target LGBTQI+ persons with the specific aim of effecting change in their non-conforming sexual orientation or gender identity. It can refer to a wide range of practices from rape and torture to directional talking therapy. The practice is often, but not always, associated with religious or social beliefs that strongly reject the value and legitimacy of queer lives. Indeed, queer identities have a long history of pathologization. Yet, the practice of conversion therapy is now widely discredited and condemned as harmful by various psychological associations. Growing awareness of the harm caused by conversion therapy has in turn raised pressing questions about whether and how the law should respond to it. At an international level, UN Human Rights Council’s Special Procedures and the European Parliament have called on States to take action. Bans or partial bans have been introduced in Mexico, Brazil, Ecuador, Taiwan, Malta, Germany and Albania. The UK Government is in the process developing legislation partially banning conversion therapy for LGB people in England and Wales, proposals that currently do not include trans conversion therapy. This project plans to include consideration of the human rights implications of LGBTQI+ conversion therapy, addressing the mutual and distinct challenges that the LGB and the T raise.

The various practices of conversion therapy potentially implicate a number of human rights, not least the right to freedom from torture, inhuman and degrading treatment; the right to privacy; freedom of thought, conscience and religion and the rights of the child. There has however been limited academic engagement with this important area. This project aims to identify and chart the rapidly developing international human rights norms and standards that have been recognised as being applicable to conversion therapy. Looking across the various relevant international and regional human rights instruments, the project will set out the relevant standards that have so far been adopted with respect to the practice. Convergence and divergence in standards will be identified. Important questions to be answered include: what practices of conversion therapy violate the prohibition of physical and psychological harm (torture, inhuman and degrading treatment) in international human rights law?; what is the scope of state responsibility with respect to conversion therapy?; with respect to non-absolute rights, such as the right to private life, what is the appropriate balance of rights (e.g. the right to religious freedom)?; what does a children’s rights framework - and particularly the “best interests of the child” principle - add to discussions of vulnerability, harm, consent and autonomy?

The project will adopt a queer feminist lens to analyse the adequacy of current international human rights norms concerning conversion therapy. Many criticisms of conversion therapy are grounded in the immutability of sexual orientation and a binary approach to gender. Adopting a queer feminist approach, this project seeks to identify an approach that at once recognises the harms of conversion therapy and the fluidity of sexual orientation and gender identity. The project is important because it responds to the rapid global legal and social developments currently taking place with respect to the regulation of conversion therapy. Socially, acceptance of a diversity of sexual orientations and gender identities have been spurred on by depictions of the deep-rooted harms caused by conversion therapy in literature and film, such as *The Miseducation of Cameron Post* and *Boy Erased*. However, the current so-called “gender wars” threaten these developments. Underlying this research is the question of

whether and how human rights law can respond adequately to those whose lives and identities are at odds with the world.