



1 February 2021

Ms Melina Bath
melina.bath@parliament.vic.gov.au

AMNESTY INTERNATIONAL AUSTRALIA

Street address:

79 Myrtle Street

Chippendale

NSW 2008

T: (02) 83967618

E: exec.admin@amnesty.org.au

ABN 64 002 806 233

Postal address:

Locked bag 23

Broadway

NSW 2007

F: (02) 83967677

W: www.amnesty.org.au

Dear Ms Bath

RE: CHANGE OR SUPPRESSION (CONVERSION) PRACTICES BILL 2020

I am writing to you on behalf of the 10 million global supporters of Amnesty International to ask you to support the *Change or Suppression (Conversion) Practices Bill 2020*. This bill is about upholding the human rights of vulnerable people and is integral in ensuring that LGBTQA+ Victorians can live with dignity and respect in a community where we are all equal.

Upholding human rights

Australia, as a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), has voluntarily committed to comply with their provisions in good faith and to take the necessary steps to give effect to those treaties under domestic law.¹ Furthermore, all governments within Australia - including the Victorian government - have obligations and duties to protect, respect and ensure the fulfilment of the rights enshrined in those treaties.²

Amnesty International Australia is of the strong opinion that the Bill will protect and uphold the human rights of LGBTQA+ Victorians by ridding the community of harmful conversion practices.

Conversion practices violate the right to health that LGBTQA+ people - indeed, all people - are entitled to. The right to health is the right to the enjoyment of the highest attainable standard of physical and mental health.³ It is violated by conversion practices by contributing to depression, feelings of self-loathing, and confusion about people's sexual orientation and gender identity.

Conversion practices can constitute torture or cruel, inhuman and degrading treatment, particularly when they are administered through force or to children.⁴ Conversion practices that inflict physical pain such as electric shocks, beating or sexual abuse, or undertaken

¹ United Nations, *Vienna Convention on the Law of Treaties*, Article 26

² United Nations, *Vienna Convention on the Law of Treaties*, Article 27

³ United Nations, *International Convention on Economic, Social and Cultural Rights*, Article 12(1)

⁴ Jones, Brown, Carnie, Fletcher & Leonard, *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*, 2018, p. 45

using force or without consent have passed the threshold of severity required for torture and cruel, inhuman and degrading treatment, according to reports from United Nations experts.⁵ Torture can also include mental pain.⁶ Australian governments have obligations under the CAT to prohibit and prevent torture - this Bill will help do that.

Conversion practices are inherently discriminatory: LGBTQA+ people are targeted because of their sexual orientation and gender identity. The right to equality and freedom from discrimination is protected by the ICCPR.⁷ By ending conversion practices, the Bill helps uphold this right.

Governments must act in the best interest of the child in every way.⁸ Conversion practices are obviously against the best interests of children, particularly due to the threat to their health that they pose. The Bill will help entrench the best interest of the child for Victorian LGBTQA+ children and young people, and uphold their rights.

Balancing human rights

I would also like to acknowledge that the Bill has been deemed compatible with human rights by the Victorian Parliament's Scrutiny of Acts and Regulations Committee.⁹ This means that other rights that some are concerned will be affected by the Bill - such as the right to freedom of religion, and the right to freedom of expression - are adequately balanced with the rights discussed above.

The Bill carefully weighs the protection of religious freedom against the protection of the rights of LGBTQA+ people and is the product of significant consultation. It does not ban prayer, preaching or pastoral support about gender and sexuality in general. But it does prevent these spiritual practices being misused in attempts to change or suppress a person's sexuality or gender identity and thereby causing them harm. It has been found to be consistent with Victorian human rights law and does not constitute an overreach.

Victorian survivors of conversion practices are hurting. When I think about the importance of ending harmful conversion practices, I have these survivors in mind, we have to do the right thing by them. I am also thinking about the vulnerable LGBTQA+ children and young people in our community who might be thinking of coming out to their friends and family. They need our support.

⁵ United Nations, *Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, 2018

⁶ United Nations Human Rights Committee, *General Comment 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 1992

⁷ United Nations, *International Covenant on Civil and Political Rights*, Articles 2(1) and 26, 1976

⁸ United Nations, *Convention on the Rights of the Child*,

⁹ Parliament of Victoria Scrutiny of Acts and Regulations Committee, *Alert Digest No. 13 of 2020*, 2020, p. 3

More than 22,000 people have signed Amnesty International Australia's petition calling for an end to conversion practices. This is something that your community wants.

To help heal survivors of conversion practices, and to protect LGBTQA+ children and young people in Victoria, please vote in favour of the *Change or Suppression (Conversion) Practices Bill 2020*.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia