



Rt Hon Bridget Phillipson MP

20-Oct-2026

Dear Minister for Women and Equalities,

Introduction

1. We are writing on behalf of the Gay Men's Network, a not-for-profit volunteer organisation established to speak to matters of concern to gay men. We have actively opposed conversion legislation on the basis that we believe it to be homophobic and a serious overreach by the state into normal family life. We have analysed the draft conversion practices bill (hereafter "the draft bill"), and our long-form analysis is available on our website.
2. We write to express serious concerns about the legal accuracy of your article in the Independent newspaper, published on 18 October 2026 and entitled "Abuse intended to change who someone is has no place in modern Britain" (**hereafter "the article"**), and about the briefings it must have been based upon. As we will explain, we take the view that the article is fundamentally misleading. We offer to meet with you to assist the Government in presenting this law accurately and promoting a public debate free from misinformation.
3. Specifically, we are concerned the article is inaccurate in the following respects:
 - a. In response to concerns that the word "abuse" is not defined in the draft bill, the article says that the Domestic Abuse Act 2021 ("**DAA**") provides "*years of evidence*" demonstrating a "*high bar for prosecutions*". This is not correct: the DAA does not create a criminal offence based on its definition of abuse that can be prosecuted.

- b. It is not correct to say that *"refusing to accept a child's identity or use preferred pronouns"* falls outside the scope of the bill.
- c. It is inaccurate to describe the harm threshold in the bill as *"serious physical or psychological harm"*
- d. While it may be the Government's intention that *"people's right to freedom of expression, religious practice and decisions how to parent"* are unfettered by this bill, there is no protection on the face of it for those rights.
- e. It says the new offence might be committed through *"force, coercion or abuse of power"*. This mischaracterises the breadth of the offence which could include uttering words that are presently lawful.
- f. The protection orders are misleadingly characterised as prohibitory injunctions when the draft bill permits of both prohibitory and mandatory injunctions.
- g. The article as a whole provides assurances to parents and others which, as a matter of the criminal law of statutory construction, could not be admitted into evidence to rewrite the wide provisions of the bill.

Inaccuracy regarding the Domestic Abuse Act 2021

- 4. The DAA does not create an offence of domestic abuse. There have therefore been no prosecutions based on the Act's definition of domestic abuse. It is consequently incorrect to say that it provides *"years of evidence"* of a *"high bar for prosecutions"*. The statutes also differ in scope: the DAA only applies to parties over 16 years of age who are personally connected within the meaning of the Act, whereas the draft conversion bill applies irrespective of age and has no duty of care or connection requirement. The DAA has never been considered by the Court of Appeal (Criminal Division) on the question of the definition of abuse, nor has it ever been considered as a bar, high or otherwise, to prosecution. The claim that it provides years of evidence of a high bar to prosecutions is unambiguously false.
- 5. The DAA has been considered by the Court of Appeal (Civil Division) in the context of the exercise of the powers of the family court. The leading case is *Re H-N and Others (Children) (Domestic Abuse: Finding of Fact Hearings)* [2021] EWCA Civ 448.

This case, and cases like it, concern fact-finding on the civil standard and the discharge of the responsibilities of the family division. They do not and cannot, as a matter of law, consider matters relevant to criminal statutes—most importantly, how a judge might direct a jury as to what is abusive and what is not.

6. While the DAA created the new criminal offence of strangulation, amended the provisions of the controlling and coercive offence and gave powers to the police in respect of domestic violence, it did not create a new offence generating authority on the meaning of the word “abuse”. By contrast, the word “abuse” is not defined at all in the draft bill. The court is enjoined to consider all the circumstances of the case and categories of behaviour copied from statutes intended to deal with adults. Most strikingly, the draft bill criminalises “economic pressure”, “emotional pressure” and “controlling words” without considering whether those categories are appropriate subjects for criminalisation in a parent-child context.
7. We consider that it would assist clarity in this debate if the claim in respect of the DAA were withdrawn and corrected. It is simply not correct to claim there is a large body of binding criminal authority on the meaning of the word “abuse” when there is in fact none at all. For completeness, where “abuse” has been considered in the criminal division, it is in respect of low level public order offences typically involving persons swearing at police officers, which would be of little assistance to the subject matter in the draft bill.

Inaccuracy as to parenting matters falling outside the scope of the bill

8. There is nothing on the face of the draft bill to prevent a parent from being prosecuted for “*refusing to accept a child's identity*”. A parent who says to their distressed daughter, “I think you are a lesbian and not a trans man”, satisfies all of the elements of the new offence, subject to a jury finding that these words are “abusive”. Because the word “abusive” is not defined in the draft bill, parents are placed in the frightening position of not knowing what they can and cannot say to their own children. The draft bill thus makes parenting a teenager experiencing distress about their identity a prosecution risk.
9. The former minister explicitly rejected a parenting “carve-out”. On the floor of the House, she approvingly cited a report by the charity Galop, “Still not illegal –

evidence of modern-day conversion practices from Galop's front line services". Page 27 of that report states: *"Some of these cases involved intentional refusal to use a chosen name or pronouns (repeatedly, or in a derogatory or controlling way) - including by forcing others to use the client's deadname"*.

10. There are no formal statutory defences at all in the bill, including any defence of "reasonableness" available to parents. The word "parent" does not feature in the draft bill or the explanatory notes. There is no prosecution bar on commencing proceedings against a parent acting in the best interests of their child, and this offence can be privately prosecuted by activist organisations. Because the conversion charge does not require any intent to do harm at all, it is no defence for a parent to protest that they were simply counselling caution, challenging a newly manifesting identity or struggling with a difficult family situation. A parent who is worried that their teenage daughter will hurt herself wearing a breast binder cannot rely on that safeguarding concern as a defence. Indeed, it would perversely be prosecution evidence against that parent. The draft bill treats identity claims by teenagers as sacrosanct and fixed and potentially criminalises any parent who questions or challenges them.
11. We urge the Government to meet with parents' support groups such as the Bayswater Support Group, which have extensive policy expertise on the genuine difficulties families can face with adolescent trans identification. If the Government intends to exempt normal, well-intentioned parenting from the scope of this bill, that exemption must be written onto the face of the statute. We further recommend that the Government engage with LGB Alliance generally on the bill and specifically draw upon their expertise in working with detransitioners where internalised homophobia was an issue.

The mischaracterisation of the harm threshold in the draft bill

12. The article describes the harm threshold for the new offence as "serious physical or psychological harm". It is not correct to do so when clause 2(1)(b) of the draft bill says that "serious alarm and distress" is sufficient where it has a "substantially adverse effect" on normal day-to-day activities. The article gives a misleading impression because alarm and distress are significantly lower thresholds in criminal law and feature as the harm requirements in basic non-imprisonable public order offences. Families are, sadly, often sites of serious alarm and distress, particularly

when they are in conflict. A parent who forbids a teenager from accessing certain websites or associating with certain people may well cause serious distress having the relevant adverse effect; such is the nature of normal parent-teenager conflict.

Misrepresentation as to the exercise of human rights

13. It is not correct to say the draft bill will not impinge on “people’s right to freedom of expression, religious practice and decisions how to parent”. Those rights would be subordinate to the prohibition on uttering any words intended to change a transgender identity claim where it was considered abusive and caused serious alarm or distress. There are no human rights guarantees written onto the face of the bill. There are no statutory defences guaranteeing the rights mentioned. There are no carve outs for any of the categories mentioned. There are no prosecution bars to the exercise of these rights. There is even no requirement that persons be connected, be adults or be in any sort of duty of care relationship.
14. Far from respecting human rights, we take the view the draft bill is so extreme that it should be declared incompatible with human rights pursuant to s.4 of the Human Rights Act. The draft bill fundamentally disregards basic human rights in the following ways:

a. (Article 6, right to a fair trial and an impartial tribunal)

The draft bill mandates the performance of belief in identity claims on pain of criminal prosecution even where a person disputes that claim. Criminal courts must direct that contested identity concept exists. Jurors in criminal trials are called upon to make political judgments on parenting (such as pronoun use), rather than disregard their politics and reach a decision on evidence as would normally be the case.

b. (Article 7, quality of law)

Because “abuse” is not defined, a parent cannot read the draft bill and know where the line lies between acceptable parenting and prosecution. Nor is there any requirement that the parent intend to cause any sort of harm.

c. (Article 8, respect for family life)

The draft bill contains no protections at all for parents, and it regulates parenting where an identity claim is made.

d. (Articles 9 and 10, belief and expression)

The draft bill contains no free-speech protections. The text of the bill and explanatory notes specifically mention “words”. Because there is no requirement of intent to cause harm, ordinary speech in a highly contested area can satisfy the elements of the offence. The corporate liability provisions also seriously chill gender-critical speech.

e. (Article 14, discrimination)

The draft bill in total discriminates between gender critical and gender ideology points of view.

The article mischaracterises the *actus reus* (guilty action) of the new offence as requiring “force, coercion or abuse of power”

15. The article gives a misleading impression as to what behaviour might be criminalised. As we have remarked, words are enough and they are specifically mentioned in the draft bill. “Abuse of power” does not feature in the bill and coercion is allied to the word “controlling” in the bill. Ordinary parenting features a measure of control, and it is misleading to omit that lower standard. The explanatory notes use the word “punish” which, again, is a feature of normal parenting.

The mandatory nature of injunctions is omitted from the article

16. Clause 1(3)(a) of the schedule to the draft bill contains a power for courts to order “requirements”. This is a mandatory injunction power that could, in principle, require a parent to speak in a certain way or follow a certain course of action, such as permitting access to a website or gender medical pathway. Presenting the injunctive powers in the draft bill as prohibitory omits this important and potentially draconian power.

The overall misleading assurances as to the scope of the bill

17. It is not conducive to a public debate free from misinformation for the Minister to give misleading assurances as to the scope of this legislation. This concern is particularly acute in the criminal division because the circumstances in which a criminal court will resort to consulting ministerial statements are vanishingly rare as a matter of law. While explanatory notes are admissible in criminal proceedings, the

explanatory notes to this bill say nothing of parents or the exercise of free speech. In any case, explanatory notes cannot, as a matter of criminal law, rewrite broad provisions on the face of a bill.

Conclusion

18. We have serious concerns that the quality of the legal advice being provided to you as Minister is low and that misrepresentations as to the bill are now entering public discourse. We understand entirely that you are reliant on those around you to provide legal advice, but you bear the ultimate accountability for the many misrepresentations we have identified. We think it would be conducive to a healthier public debate if these inaccuracies were corrected.
19. We repeat our offer to meet with you or your staff to assist with the points of law and inaccuracies we have identified.

Yours Faithfully,

(The Directors of the Gay Men's Network)

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