

A Bill
entitled

AN ACT to prohibit conversion therapy, as a deceptive and harmful act or practice against a person's sexual orientation, gender identity and, or gender expression, and to affirm such characteristics.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows: -

Title.

1. The title of this Act is the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act, 2015.

Definitions.

2. In this Act, unless the context otherwise requires:

“conversion therapy”, means treatment that aims to change, repress and, or eliminate a person's sexual orientation, gender identity and, or gender expression. Provided that any counselling related to the exploration of one's identity with regard to any of the characteristics being affirmed by this Act is excluded from this definition;

“gender expression” refers to each person's manifestation of their gender identity, and/or the one that is perceived by others;

“gender identity” refers to each person's internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance and, or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms;

“professional” refers to a person who is in possession of an official qualification and, or a warrant to practice as a care worker, counsellor, educator, family therapist, medical practitioner, pathologist, psychologist, psychotherapist, psychiatrist, social worker, and, or youth worker;

“sexual orientation” refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, persons of a different gender or the same gender or more than one gender;

“mental disorder” shall have the meaning assigned to it in the Mental Health Act;

“vulnerable person” means any person:

- (a) under the age of 18 years;
- (b) suffering from a physical or mental infirmity;
- (c) considered by the court to be particularly at risk when taking into account the person's age, maturity, health, disability, social or other conditions including any situation of dependence, as

well as physical or psychological consequence of the offence on that person.

The Affirmation of Sexual Orientation, Gender Identity and Gender Expression.

In accordance with the provisions of this Act all persons have a sexual orientation, a gender identity and a gender expression, and no particular combination of these three characteristics constitutes a disorder, disease, illness, deficiency, disability and, or shortcoming.

Unlawful Conversion Therapy.

3. (1) It shall be unlawful-

- (a) For any person to:
 - i. perform conversion therapy on a vulnerable person;
 - ii. perform involuntary and, or forced conversion therapy on a person;
 - iii. advertise conversion therapy;
- (b) For a professional to:
 - i. offer conversion therapy on any person irrespective of whether monetary compensation is received in exchange;
 - ii. refer any person to other professionals and, or to any other person to perform conversion therapy.

Criminalisation of Conversion Therapy

- 4. (1) Those found guilty under subarticle (a) of the previous article shall on conviction be liable to a fine (multa) of not less than one thousand Euros (€1,000) and not exceeding five thousand Euros (€5,000) or to imprisonment for a term from 1 month to 6 months, or both such fine and imprisonment;**

(2) Those found guilty under subarticle (b) of the previous article shall on conviction be liable to a fine of not less than two thousand (€2,000) and not more than ten thousand Euros (€10,000) or to imprisonment for a term from 3 months to 1 year, or both such fine and imprisonment;

Provided that if a professional is found guilty under subarticle (2) the Court shall direct the Registrar of the Criminal Courts and Tribunals to transmit a copy of the judgment to the council or body regulating that profession.

(3) the punishments prescribed in this article shall be increased by 1 to 2 degrees in those instances where any person performs conversion therapy on a vulnerable person;

Objects and Reasons

The main object of this bill is to provide for a ban on professional conversion therapy against variations of sexual orientation, gender identity and, or gender expression; and an outright ban on conversion therapy on vulnerable persons, as well as to affirm and protect these characteristics of a person.