



**Commission Vice-President,  
Values and Transparency  
Věra Jourová**

**Commissioner for Equality  
Helena Dalli**

**Commissioner for  
Health and Food Safety  
Stella Kyriakides**

Brussels, 9 October 2020

**Subject: So-called “conversion therapy” practices and their impact on LGBT persons: the need for an EU-wide ban**

Dear European Commission Vice-President in charge of Values and Transparency, *Vera Jourová*,  
Dear Commissioner for Equality, *Helena Dalli*,  
Dear Commissioner for Health and Food Safety, *Stella Kyriakides*

“Conversion therapy” practices are torture.

There is no way to classify these practices other than cruel, inhuman or degrading treatment that seek to “correct” something that warrants no “fixing” – a person’s sexual orientation, gender identity and/or expression. They constitute a highly discriminatory practice that violates the human rights of LGBT persons and which causes severe physical and psychological suffering to its victims. Data from the International Rehabilitation Council for Torture Victims concludes that it is practiced in over 69 countries worldwide, including EU member states (reportedly: *use of medication* in France, *psychotherapy* in Austria, Italy and Poland, *exorcisms/ritual cleansing* in France and Spain).<sup>1</sup> Notably, LGBT youth is at severe risk of torture due to these practices, given the role that family and caretakers often play in coercing victims to undergo them.

Due to their extensive practice, the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI), in full exercise of his mandate, published a report in May 2020 analysing the practices of so-called “conversion therapies”. For example, he highlighted that children and youth are often more vulnerable due to the lack of legal authority to make medical or mental health decisions. Even in circumstances where they can take these decisions, they are prone to influence or coercion due to family pressure.<sup>2</sup> In particular, the Independent Expert noted that:

- **due to their specific targeting of people on the basis of their SOGI, the practices are discriminatory**, in contravention of the principles of universality, equality and non-discrimination of the Universal Declaration of Human Rights<sup>3</sup>.

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<sup>1</sup> International Rehabilitation Council for Torture Victims (IRCT), “*Conversion Therapy is Torture*”, available on <https://irct.org/media-and-resources/latest-news/article/1027> (retrieved 31 August 2020); IRCT, “*It’s Torture, Not Therapy – A Global Overview of Conversion Therapy: Practices, Perpetrators and the Role of States*”, Thematic report 2020, available on [https://irct.org/uploads/media/IRCT\\_research\\_on\\_conversion\\_therapy.pdf](https://irct.org/uploads/media/IRCT_research_on_conversion_therapy.pdf).

<sup>2</sup> UN Human Rights Council – UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (May 2020), “*Practices of so-called “conversion therapy”*”, available on <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/ReportOnConversiontherapy.aspx>.

<sup>3</sup> United Nations Universal Declaration of Human Rights, Art. 1 and 7.

- **Every person should, without distinction, be able to enjoy the highest attainable standard of physical and mental health** and freedom from non-consensual medical treatment.<sup>4</sup>
- So-called “**conversion therapy**” practices can amount to **torture, cruel, inhuman or degrading treatment**, as recognised by UN anti-torture bodies;
- **The Committee on the Rights of the Child has urged Member States to eliminate such practices.**<sup>5</sup>

**In conclusion, the Independent Expert called for a world-wide ban on practices of conversion therapy.**

This call is all the more pressing when, as recognised in the recent European Parliament resolution on Article 7 concerning Poland,<sup>6</sup> the Polish Episcopate recently endorsed the idea of “conversion camps” in Poland for LGBT persons. This endorsement is yet another in a row of anti-LGBT rhetoric that has plagued Poland since 2019. It is in addition in clear contravention of EU values,<sup>7</sup> the European Charter of Fundamental Rights<sup>8</sup> and the principle of non-discrimination.<sup>9</sup> No such “conversion” practices exist for heterosexual or cisgender persons.

The Parliament adopted last year a report on the situation of fundamental rights in the EU in 2017 where, among others, it condemned the promotion and practice of “conversion therapies” and called on Member States to criminalise them.<sup>10</sup> The Parliament reiterated its call in the before-mentioned Article 7 resolution.<sup>11</sup>

Currently, only Germany, Malta and some parts of Spain have banned these practices and other Member States like France envisage to do so. However, as several Member States are not considering adopting such legislation in the near future, and in the absence of a Horizontal Anti-Discrimination Directive which would have made discrimination on sexual orientation grounds in health matters illegal, the EC has a responsibility to act. Given the shared competence of the EU in public health under article 168 TFEU and in the area of freedom, security and justice under article 83 TFEU, the European Commission could legislate on this matter.

**Following up on the previous arguments:**

- 1. Does the Commission condone the practices of so-called “conversion therapies”?**
- 2. Taking into consideration the EU’s shared competence on public health and the area of freedom, security and justice, the Commission has a responsibility to act on this matter.**

<sup>4</sup> International Covenant on Economic, Social and Cultural Rights, Art. 12 and general comment No. 14, available on <https://www.refworld.org/pdfid/4538838d0.pdf>.

<sup>5</sup> Committee on the Rights of the Child, general comment No. 20, ¶ 34.

<sup>6</sup> European Parliament resolution of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835 – 2017/0360R(NLE)), available on [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0225\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0225_EN.html).

<sup>7</sup> Treaty on the European Union, art. 2.

<sup>8</sup> European Charter of Fundamental Rights, art. 21.

<sup>9</sup> Treaty on the Functioning of the European Union, art.10.

<sup>10</sup> European Parliament resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017 (2018/2103(INI)), available on [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0032\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0032_EN.html).

<sup>11</sup> European Parliament resolution of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835 – 2017/0360R(NLE)), ¶63.

**Will the Commission initiate a legislative proposal setting in place an EU-wide ban on any form of “conversion therapy”, as recommended by the UN Independent Expert on SOGI?<sup>12</sup>**

- 3. Should the Commission not foresee to initiate legislation, what concrete actions has it undertaken until now and which actions is it currently undertaking or foreseeing to in order to support Member States in banning this practice? Is it actively promoting national bans already adopted to other Member States as good practices?**

Yours sincerely,

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<sup>12</sup> UN Human Rights Council – UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (May 2020), ‘Practices of so-called “conversion therapy”’, ¶ 87.