



Brussels, 10 February 2021

Dear Commissioner for Equality, *Helena Dalli*,

We thank you for your answer to our letter, which joined together 61 MEPs highlighting the need for an EU-wide ban on so-called “conversion therapy” practices.¹ In this response, you mention that “*Conversion practices have no place in the European Union*” and that “*European values and fundamental rights must be respected by all Member States*”.

We appreciate the strong call. However, the reality remains that “conversion therapy” practices are still performed in some Member States. At the same time, a growing number of EU Member States are considering or have already proposed bills to ban them. From your response, we understand that the Commission will not propose EU-wide legislation with the effect of banning these practices, owing to the competence of Member States to define their own health policy and the organisation of health services. However, your letter mentions equally that “when using such competence, they must respect fundamental rights as they are binding by virtue of constitutions and commitments under international law”.

Having reflected the former, your letter leaves our third question unanswered:

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?

On 12 November 2020, you presented the much awaited and very well received LGBTIQ Equality Strategy², which states the following:

“Harmful practices such as non-vital surgery and medical intervention on intersex infants and adolescents without their personal and fully informed consent (intersex genital mutilation), forced medicalisation of trans people and conversion practices targeting LGBTIQ people may have serious bodily and mental health repercussions. The Commission will foster Member States’ exchange of good practice on ending these practices.”

Against this background, and in addition to the previous questions, we have the following questions regarding the implementation of the Strategy:

¹ LGBTI Intergroup (9 October 2020), “MEPs inquire the European Commission regarding so-called “conversion therapy” practices and the need for an EU-wide ban”, accessible at <http://lgbti-ep.eu/2020/10/09/meps-inquire-the-european-commission-regarding-so-called-conversion-therapy-practices-and-the-need-for-an-eu-wide-ban/>.

² European Commission (12 November 2020), “Union of Equality: LGBTIQ Equality Strategy 2020-2025”, accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0698>.

1. Has the Commission undertaken any exchanges of good practices with Member States regarding this practice? If so, can you share the conclusions of these meetings and relay which best practices have so far been identified? If not, when is the Commission planning to undertake such exchanges?
2. Has the Commission conducted or is it planning to conduct any legal mappings or studies on the bodily and mental repercussions of so-called “conversion therapy” practices across Member States, as well as the compliance of such practices with fundamental rights and international law commitments?
3. What tools does the Commission have at its disposal if/when it determines that the continued access and offer of so-called “conversion therapy” practices are incompliant with international human rights law and the commitments of Member States to uphold the respect for fundamental rights? Has the Commission determined any situation in which these tools can be used? Will the Commission use them?
4. Has the Commission addressed these practices in international fora such as at the level of the United Nations or in specific instances with certain Member States? If so, in which circumstances and what were the conclusions of such discussions? If not, why?

We are looking forward to your swift reply.

Yours sincerely,

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