



Doc. 16315 – Compendium of written amendments
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(Revised version)

For a ban on conversion practices

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A. Draft Resolution

1. Conversion practices, also referred to as conversion therapies or reparative therapies, are all measures or efforts aimed at changing, repressing, or suppressing a person's sexual orientation, gender identity or gender expression, based on the false belief that such core aspects of a person's identity are pathological or undesirable or somehow able to change.

Amendment 1

(If adopted, amendment 4 falls)

Tabled by Mr Rónán MULLEN, Mr Robert-Ionatan SIGHIARTÁU, Ms Martina KEMPF, Mr Bob De BRABANDERE, Mr Martin GRAF, Mr José María SÁNCHEZ GARCÍA, Mr Adam BALTEN, Ms Alexandra SCHOOS, Mr Ricardo DIAS PINTO, Mr Heinrich KOCH

In the draft resolution, replace paragraph 1 with the following paragraph:

"Conversion practices' means any act, conduct, or intervention directed at an individual that seeks to change, suppress, or deny that individual's sexual orientation, gender identity, or gender expression by any of the following coercive, deceptive, or abusive means: (a) the use or threat of physical force; (b) intimidation, harassment, or undue psychological pressure; (c) exploitation of a position of trust, authority, or dependency; (d) confinement, isolation, or undue deprivation of liberty; (e) the administration of pseudo-medical, or psychological interventions without free and informed consent; or (f) materially false representations as to therapeutic or scientific efficacy. For the avoidance of doubt, the term does not include the good-faith exercise of parental rights and responsibilities to educate, guide, or form a child through instruction, advice, moral teaching, or socialisation, including the expression of religious, philosophical, or cultural beliefs, and does not include evidence-based non-affirming gender care, provided that none of the means set out in paragraphs (a) to (f) are involved."

Amendment 4

(Falls if amendment 1 is adopted)

Tabled by Mr Bob De BRABANDERE, Mr Martin GRAF, Mr Paweł JABŁOŃSKI, Ms Britt HUYBRECHTS, Mr Vladimir ĐORĐEVIĆ, Ms Victoria TIBLOM, Mr Markus WIECHEL

In the draft resolution, replace paragraph 1 with the following paragraph:

"Conversion practices, also referred to as conversion therapies or reparative therapies, are measures or efforts aimed at changing, repressing or suppressing a person's sexual orientation, based on the false belief that such orientation is pathological or undesirable, or can be changed."

2. These practices, aimed at promoting heterosexual attraction or aligning a person's gender identity with their sex assigned at birth, include psychological or behavioural counselling, spiritual and religious rituals, aversion methods, as well as verbal abuse, coercion, isolation,

forced medication, electric shocks, physical and sexual abuse.

3. Conversion practices have no scientific basis and have harmful consequences on the individuals subjected to them, as they induce or strengthen feelings of shame, guilt, self-disgust and worthlessness and lead to increased rates of depression, anxiety, post-traumatic stress disorder, suicidal ideation and suicide attempts. Such harm inflicted on mental health and well-being affects all age groups, but is particularly devastating to children and young people. Leading medical and psychological organisations have condemned these practices as scientifically unfounded, ineffective and dangerous. Moreover, these practices have a negative impact on the public, as they promote the stigmatising misconception that an individual's sexual orientation or gender identity or expression may or should be "cured" or changed.
4. The Parliamentary Assembly reaffirms the crucial importance of personal autonomy, as protected under Article 8 of the European Convention on Human Rights (ETS No. 5), which guarantees the right to respect for private and family life to everyone, including the freedom to make autonomous decisions on their lifestyle, also as regards sexual orientation, gender identity, gender expression and sexual characteristics.
5. The Assembly is deeply concerned that conversion practices persist across Council of Europe member States, often covertly, despite growing recognition of the harm they cause and in spite of being banned by many relevant professional organisations.
6. Action to prevent and counter the harm caused by conversion practices is urgently needed. This is both a public health imperative and a matter of respect for human rights and fundamental freedoms. Protecting individuals from practices that undermine their dignity, autonomy and well-being is an essential component of the democratic order of our societies. Council of Europe member States that have not yet done so should adopt legislation and policies to prohibit these practices and protect those at risk. States that already have such measures in place must ensure their effective enforcement and that victims have access to existing victim support services.
7. The experience of countries that have been pioneers in this area, such as Malta, not only provides valuable insight into the principles that should guide legislative reform, but also into potential shortcomings and loopholes that must be avoided.

Amendment 5

Tabled by Mr Bob De BRABANDERE, Mr Martin GRAF, Mr Paweł JABŁOŃSKI, Ms Britt HUYBRECHTS, Ms Martina KEMPF, Ms Victoria TIBLOM, Mr Markus WIECHEL, Mr Vladimir ĐORĐEVIĆ

In the draft resolution, after paragraph 3, insert the following paragraph:

"The Assembly affirms that disagreement, scientific debate, therapeutic caution or parental concern regarding gender identity do not, in themselves, constitute harm or abuse, and must not be equated with conversion practices."

Amendment 2

Tabled by Mr Georgios STAMATIS, Mr Ricardo CARVALHO, Mr Gonzalo ROBLES, Ms Belén HOYO, Ms Catia POLIDORI, Ms Carmen LEYTE, Mr Carlos SILVA SANTIAGO, Ms Regina BASTOS, Mr Robert-Ionatan SIGHIARTĂU, Ms Maria-Nefeli CHATZIOANNIDOU, Mr Christophe BRICO, Ms Tone Wilhelmsen TRØEN, Mr Patryk JASKULSKI, Ms Octavie MODERT

In the draft resolution, after paragraph 7, insert the following paragraph:

"The Assembly affirms that a conversion practices ban should not limit supportive interventions by parents or by qualified clinicians

providing healthcare services to adults, young people and/or children, nor limit the independence of those interventions, so long as the interventions do not attempt to change, repress, or suppress people."

Amendment 6

Tabled by Mr Bob De BRABANDERE, Mr Martin GRAF, Mr Paweł JABŁOŃSKI, Ms Britt HUYBRECHTS, Ms Martina KEMPF, Ms Victoria TIBLOM, Mr Markus WIECHEL, Sir Christopher CHOPE, Mr Vladimir ĐORĐEVIĆ

In the draft resolution, after paragraph 7, insert the following paragraph:

"The Assembly underlines that parents, guardians, educators, social workers and health professionals acting in good faith, without coercion or abuse, shall not be subject to criminal or punitive measures for expressing disagreement, exercising professional judgement or providing non-directive support."

8. In the light of these considerations, the Assembly calls on member and observer States of the Council of Europe and States whose parliament enjoys observer or partner for democracy status with the Assembly:

8.1. with regard to legislation and policies, to:

8.1.1. introduce legislation to prohibit conversion practices, providing for criminal sanctions and based on a clear and comprehensive definition of the proscribed practices. Regulations should further clarify the scope of the legal ban, by explicitly covering specific forms of conversion practices across healthcare, education, religious and commercial settings with a view to closing possible legal loopholes;

Amendment 7

Tabled by Mr Bob De BRABANDERE, Mr Martin GRAF, Mr Paweł JABŁOŃSKI, Ms Britt HUYBRECHTS, Ms Victoria TIBLOM, Mr Markus WIECHEL, Sir Christopher CHOPE, Mr Vladimir ĐORĐEVIĆ

In the draft resolution, paragraph 8.1.1, replace the words "introduce legislation to prohibit conversion practices, providing for criminal sanctions" with the following words:

"introduce legislation to prohibit coercive or abusive conversion practices, using proportionate civil, administrative or professional regulatory measures."

Amendment 8

Tabled by Mr Paweł JABŁOŃSKI, Mr Markus WIECHEL, Mr Vladimir ĐORĐEVIĆ, Mr Jan KANTHAK, Ms Victoria TIBLOM, Ms Iwona ARENT, Mr Pekka AITTAKUMPU, Ms Martina KEMPF, Mr Bob De BRABANDERE, Mr Daniel MILEWSKI

In the draft resolution, after paragraph 8.1.1, insert the following paragraph:

"introduce legislation prohibiting the prescription or administration of puberty-suppressing hormones (puberty blockers) to persons under 18 years of age outside strictly defined, exceptional clinical emergency contexts and always with parental consent; and require clear,

evidence-based national clinical guidance and oversight and establish sanctions for the unlawful provision thereof;"

Amendment 9

Tabled by Mr Paweł JABŁOŃSKI, Mr Markus WIECHEL, Mr Vladimir ĐORĐEVIĆ, Mr Jan KANTHAK, Ms Iwona ARENT, Ms Victoria TIBLOM, Mr Pekka AITTAKUMPU, Ms Martina KEMPF, Mr Bob De BRABANDERE, Mr Daniel MILEWSKI

In the draft resolution, after paragraph 8.1.1, insert the following paragraph:

"introduce legislation to prohibit any irreversible sex-changing surgical procedures performed on persons under 18 years of age, except where such interventions are required as emergency life-saving treatment; provide criminal and professional sanctions for practitioners who perform such procedures on minors;"

- 8.1.2. integrate the prohibition of conversion practices within broader national anti-discrimination and inclusion strategies to protect the rights of LGBTI persons in order to ensure multi-sectoral government commitment;
- 8.1.3. establish monitoring and reporting mechanisms, including complaint procedures accessible to victims or witnesses of conversion practices in order to aid enforcement and evaluation of legislation and policies;
- 8.1.4. complement the criminal law framework with civil measures such as conversion therapy protection orders in order to enhance enforceability of legislation and protection of victims;
- 8.1.5. ensure that the ban is extended to the advertising of conversion practices, including online;

Amendment 10

Tabled by Mr Paweł JABŁOŃSKI, Mr Markus WIECHEL, Mr Vladimir ĐORĐEVIĆ, Mr Jan KANTHAK, Ms Victoria TIBLOM, Ms Iwona ARENT, Mr Pekka AITTAKUMPU, Mr Bob De BRABANDERE, Mr Daniel MILEWSKI

In the draft resolution, after paragraph 8.1.5, insert the following paragraph:

"prohibit promotion, advertising, solicitation or targeted outreach of medical, surgical or hormonal sex-affirming interventions directed at persons under 18 years of age, including online and via social media, and require the removal of such content and penalties for organisations or individuals who knowingly target minors;"

- 8.1.6. ensure the ban is extended to referrals to other practitioners or operators, including when these are based in other jurisdictions;
- 8.2. with regard to co-operation with civil society, professional organisations and religious institutions, to:

- 8.2.1. strengthen co-operation with civil society organisations, notably those active in protecting the rights of LGBTI persons, in the area of designing, implementing and assessing legislation and policies in order to ban conversion practices;
- 8.2.2. formalise or strengthen co-operation with relevant professional organisations in such areas as psychology, psychiatry and social work, including to discuss legislation criminalising conversion practices;
- 8.2.3. promote the development and adoption by professional organisations of codes of conduct and practical guidance on banning such practices;
- 8.2.4. engage in dialogue with religious organisations with a view to co-operating in enforcing the prohibition of conversion practices;
- 8.3. with regard to education and awareness raising, to:
 - 8.3.1. introduce training for healthcare professionals, social workers and educators and members of religious institutions, as well as law enforcement officers, the judiciary and prosecutors in order to improve identification of conversion practices and response;
 - 8.3.2. ensure that mandatory comprehensive sexuality education curricula encompass teaching on the diversity of sexual orientation, gender identity and expression and sex characteristics, with a view to preventing and countering social prejudice and misinformation. They should include specific information on conversion practices and the risks and harm associated with them, with a view to helping children and young people to identify and denounce attempts to subject them to such practices;
 - 8.3.3. launch public awareness campaigns targeting myths about sexual orientation and gender identity in order to counter the misinformation that underpins conversion practices, including the false belief that they have disappeared or occur infrequently;
- 8.4. with regard to victim support and protection, to:
 - 8.4.1. establish specialised, confidential support services for victims, including counselling and legal aid, and to ensure adequate funding;
 - 8.4.2. promote and support survivors' networks in order to empower victims and facilitate peer support;
 - 8.4.3. provide training for frontline responders and statutory services in order to identify at-risk individuals at an early stage and provide timely intervention and protection orders;
 - 8.4.4. recognise experiences of conversion practices as grounds for emergency housing priority in social welfare policies;
- 8.5. with regard to Implementation, evaluation and research, to:
 - 8.5.1. report regularly on the implementation of legislation banning conversion practices, its progress, challenges, and outcomes;

- 8.5.2. encourage research and data collection on the prevalence and impact of conversion practices, and effectiveness of interventions in order to inform evidence-based policy development;
- 8.5.3. foster international co-operation and exchange of best practices in order to strengthen national efforts and contribute to implementing human rights standards at European and global level.
9. The Assembly highlights that in times of increasing European integration and freedom of movement, it is crucial to ensure that the ban on conversion therapies is adopted by all Council of Europe member States, with a view to preventing cross-border enforcement gaps.

Amendment 3

Tabled by Mr Rónán MULLEN, Mr Markus WIECHEL, Ms Ivanka VASILEVSKA, Ms Victoria TIBLOM, Ms Britt HUYBRECHTS, Ms Elisabetta GARDINI, Mr Paweł JABŁOŃSKI, Sir Edward LEIGH, Mr Jan Filip LIBICKI, Mr Achim KÖHLER, Ms Albana VOKSHI, Mr Pavlo BAKUNETS, Mr Bernardo PESSANHA, Mr Ricardo DIAS PINTO, Ms Alexandra SCHOOS, Mr Adam BALTEN, Mr José María SÁNCHEZ GARCÍA, Mr Martin GRAF, Mr Bob De BRABANDERE, Ms Martina KEMPF, Mr Robert-Ionatan SIGHIARTĂU, Mr Heinrich KOCH, Mr Ričards ŠLESERS

In the draft resolution, after paragraph 9, insert the following paragraph:

"The Assembly affirms that nothing in this Resolution should be understood or interpreted to oppose or undermine: (a) bona fide accredited and evidence-based medical, healthcare or counselling treatment available to any person in any member State; (b) bona fide education or research activity aiming to understand, explain and treat any recognised condition, including gender dysphoria, on objective and evidence-based grounds; (c) the availability and application of appropriate professional expertise to assist children affected by gender dysphoria; (d) the value of non-affirming gender care in the treatment of gender dysphoria; (e) the central role of parents or guardians in educating, guiding, and forming a child through instruction, advice, moral teaching or socialising, including the expression of religious, philosophical, or cultural beliefs; (f) the central role of parents or guardians in consenting to professionally accredited medical, healthcare or counselling treatment for minors, and in choosing appropriate education for their children; (g) the freedom of conscience of parents, children and families; (h) the integrity of the relationship between any person and their freely chosen professional healthcare or spiritual adviser; (i) the legitimate freedom of schools chosen by parents to educate their children according to their preferred ethos."