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| Office of the United Nations High Commissioner for Human Rights (OHCHR)  Palais des Nations CH-1211 Geneva 10  Email: ie-sogi@ohchr.org |  | Wilders Plads 8K  DK-1403 Copenhagen K  Phone +45 3269 8888  CELL  kekn@humanrights.dk  humanrights.dk  Doc. No. 19/03159-2  19 December 2019 |

1. **What different practices fall under the scope of so-called “conversion therapy” and what is the common denominators that allow their grouping under this denomination?**

The Danish Institute for Human Rights (hereafter the Institute) does not have any knowledge or data on which practices are considered to fall under the scope of so-called “conversion therapy” in Denmark.

1. **Are there definitions adopted and used by States on practices of so-called “conversion therapy”? If so, what are those definitions and what was the process through which they were created or adopted?**The Institute does not have any knowledge about official definitions on practices of so-called “conversion therapy” used in Denmark.
2. **What are the current efforts by States to increase their knowledge of practices of so-called “conversion therapy”? Are there efforts to produce information and data on these practices?**The Institute does not have any knowledge or data on the current efforts to increase the knowledge of so-called “conversion therapy” in Denmark.

However, the Minister of Gender Equality recently addressed the matter in a Danish newspaper article and said, “that the government does not currently consider so-called “conversion therapy” to be a major issue in Denmark.”[[1]](#footnote-1) However, the Minister said that the government would of course increase its efforts on the issue, if so-called conversion therapies were to be a widespread issue in Denmark.

Similarly, Susanne Branner Jespersen, secretary general of LGBT Danmark (*LGBT Denmark*),says in the mentioned article, “that it is unclear how widespread so-called “conversion therapies” are in Denmark.”[[2]](#footnote-2) Currently, Susanne Branner Jespersen says that LGBT Danmark “supports a ban of practices in Denmark.”[[3]](#footnote-3)

1. **What kinds of information and data are collected by States to understand the nature and extent of so-called “conversion therapies” (e.g. through inspections, inquiries, surveys)?**

The Institute does not have any knowledge on whether information and data are being collected to understand the nature and extent of so-called “conversion therapies.”

1. **Has there been an identification of risks associated with practices of so-called “conversion therapy”?**

The Institute does not have any knowledge on whether there has been an identification of risks associated with practices of so-called “conversion therapy” in Denmark.

1. **Is there a State position on what safeguards are needed, and what safeguards are in place to protect the human rights of individuals in relation to practices of so-called “conversion therapy”? This question includes the following:**
2. **Safeguards to protect individuals from being subjected to “conversion therapies”.**

Denmark has incorporated the European Convention on Human Rights (ECHR) in 1992.[[4]](#footnote-4) There does not seem to be any case law about so-called “conversion therapies” by the European Court of Human Rights. However, depending on the specifics of the so-called “conversion therapies” in question, individuals may potentially benefit from protection of the ECHR.

Individuals might be protected under article 3 (Prohibition of torture) as the “conversion therapies” potentially can be considered as torture or inhumane or degrading treatment or punishment. Article 8 in the ECHR (Right to respect for private and family life) may possibly offer protection against so-called “conversion therapies” as the therapies seek to change a person’s sexual orientation, which is an aspect of one’s private life. Article 14 in the ECHR (Prohibition of discrimination) may also be relevant, as so-called “conversion therapies” mainly target members of the LGBTQIA+-communities and it could therefore be argued that “conversion therapies” are discrimination on the grounds of sexual orientation.

1. **Broader statutory rules or administrative policies to ensure accountability of health care and other providers.**

The Institute does not have knowledge on the Danish position in relation to this matter.

1. **Are there any State institutions, organizations or entities involved in the execution of practices of so-called conversion therapy? If so, what criteria have been followed to consider these as a form of valid State action?**The Institute does not have knowledge on the Danish position in relation to this matter.
2. **Have any State institutions taken a position in relation to practices of so-called “conversion therapy”, in particular:**
3. **Entities or State branches in charge of public policy;**

The Institute does not have any specific knowledge in relation to this matter.

1. **Parliamentary bodies;**

The Institute does not have any specific knowledge in relation to this matter.

1. **The Judiciary;**

The Institute does not have any specific knowledge in relation to this matter.

1. **National Human Rights Institutions or other State institutions;**

The Institute does not have any specific knowledge in relation to this matter.

1. **Any other entities or organizations.**

The Institute does not have any specific knowledge in relation to this matter.

Yours sincerely,

Kerry Knudten-Erkelenz

Legal Adviser

1. Asger Skovdal Jepsen, ”*I Norge vil man forbyde omstridt ”homoterapi” – men det kan været et brud på religionsfriheden*” Berlingske, 21. November 2019. Available in Danish via: <https://www.berlingske.dk/europa/i-norge-vil-man-forbyde-omstridt-homoterapi-men-det-kan-vaere-et-brud-pa> [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Malthe Sommerand: ”*Det norske Storting skal stemme om terapi, der ’kurerer’ homoseksualitet*. Omdannelsesterapi er forbudt i flere lande. Herhjemme ønsker LGBT+ Foreningen også et forbud.” DR.dk, 11. December 2019. Available in Danish via: <https://www.dr.dk/nyheder/udland/det-norske-storting-skal-stemme-om-terapi-der-kurerer-homoseksualitet> [↑](#footnote-ref-3)
4. Bekendtgørelse af lov om Den Europæiske Menneskerettighedskonvention af 22. oktober 1998, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=12> [↑](#footnote-ref-4)