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| DENMARK: Response to call for input on conversion therapy from the independent expert on protection against violence and discrimination based on sexual orientation and gender identity (OHRCR) |  |

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?**

In a Danish context the phenomenon conversion therapy refers to the practices outlined in the *call for input,* that is *any purported treatment having the objective or presenting itself with the objective to change a person’s sexual orientation or gender identity*.

1. **Are there definitions adopted and used by States on practices on so-called conversion therapy? If so, what are those definitions and what was the process through which they were created or adopted?**

There is no official definition of conversion therapy adopted by the state of Denmark.

1. **What are the current efforts by states to increase their knowledge of practices of so-called conversion therapy? Are these efforts to produce information and data on these practices?**

The Danish government is periodically consulting the LGBTI civil society organizations to discuss and inform the development of new LGBTI policy initiatives. No civil society organizations have as of yet presented conversion therapy as a problem being present in Denmark. The Danish government will continue to monitor the existence of conversion therapy through the LGBTI CSO’s with regards to potential future efforts. The Danish government is also monitoring research and policy efforts done in other member states. A survey being conducted in 2020 on experiences with marginalization and stigmatization related to being LGBTI will examine whether or not the risk of family and friends trying to convert you is a factor in determining whether or not to be open about your LGBTI identity.

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)?**

Periodic consultation of LGBTI CSO’s and future survey, *see answer to questions 3.*

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

Not nationally, no. The Danish government is monitoring research on associated risks done in other member states.

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:**
   1. **Safeguards to protect individuals from being subjected to conversion therapy.**
   2. **Broader statutory rules or administrative policies to ensure accountability of health care and providers.**

There are no provisions in The Danish Criminal Code (Consolidated Act 2019-09-17 no. 976) that deals explicitly with conversion therapy. However, any violence or threat of violence carried out as part of a conversion therapy is a criminal offence under The Danish Criminal Code.

Part 25 section 244-246 penalizes any act of physical violence or assault against another person.

Section 244 addresses less severe acts of violence and assault against another person and according to the provision, the penalty is a fine or imprisonment for a term not exceeding three years.

Section 245 addresses assault of particularly offensive, brutal or dangerous manner or mistreatment of another person. According to the provision, it is considered a particularly aggravating circumstance if an assault causes serious harm to the body or health of another person. The penalty is imprisonment for a term not exceeding six years.

According to section 246, the penalty may increase to imprisonment for a term not exceeding 10 years, if an act of violence or assault falling within section 244 and 245 is considered committed in highly aggravating circumstances because it was an act of a particularly aggravating nature or an act causing serious harm or death.

Furthermore, Danish Parliament recently adopted a law, which states that domestic psychological violence is a criminal offence. The provision was adopted in order to stress that psychological violence is as severe and damaging to a person as physical violence.

According to section 243 of the Criminal Code, anyone closely related to a household or anyone who has previously had such a connection, and who repeatedly exposes a member of that household to a grossly degrading, abusive or offensive behavior capable of unduly controlling said person, is guilty of domestic psychological violence. The penalty is a fine or imprisonment for a term not exceeding three years.

Part 26 of the Criminal Code penalizes offences against the personal liberty, and according to section 260 duress is punishable by a fine or imprisonment for a term not exceeding two years.

Criminal offences in the form of physical or psychological violence and duress are subject to public prosecution.

Finally, The European Convention on Human Rights, which among other things prohibits any kind of torture and degrading or inhuman treatment, is incorporated in Danish law, and Denmark has also ratified The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which means that Denmark is legally obligated to comply with the rules under the convention.

Conversion therapy is not exercised in the public health system in Denmark. Neither does the Ministry of Health have knowledge of any so-called conversion therapy being practiced anywhere in Denmark. If conversion therapy is to be understood as some sort of health treatment, it should be stressed that any health treatment in Denmark requires informed consent from the patient.

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.**

No.

1. **Have any state institutions taken a position in relation to practices of so-called conversion therapy, in particular:**
   1. **Entities of state branches in charge of public policy;**
   2. **Parliamentary bodies;**
   3. **The judiciary;**
   4. **National human rights institutions or state institutions;**
   5. **Any other entities or organizations.**

The government of Denmark wants Denmark to be a society of freedom for the individual, and where everyone is treated equally, irrespective of gender, sexual orientation or gender identity.