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COMMISSION IMPLEMENTING DECISION (EU) 2024/442

of 24 January 2024

on the request for registration, pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council, of the European citizens' initiative entitled 'Ban on conversion practices in the European Union'

(notified under document C(2024) 344)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ([1]), and in particular Article 6(2) and (3) thereof,

Whereas:

(1) A request for registration of a European citizens' initiative entitled 'Ban on conversion practices in the European Union' was submitted to the Commission on 27 November 2023.

(2) The objective of the initiative as expressed by the organisers is to call on the Commission 'to propose a binding legal ban on conversion practices targeting LGBTQ+ citizens in the European Union'. The initiative defines these practices as 'interventions aimed at changing, repressing or suppressing the sexual orientation, gender identity and/or gender expression of LGTBQ+ persons'. The organisers consider that the Commission should: 'propose a directive adding conversion practices to the list of euro-crimes and/or amend the ongoing directive on equality (2008) to include a ban on these practices'; 'enforce a non-binding resolution calling for a widespread ban of conversion practices' in the Union; and amend Directive 2012/29/EU of the European Parliament and of the Council ([2]) to establish such minimum standards for 'victims of conversion practices'. The organisers also state that all Member States 'should introduce a ban on conversion practices or review their current ones'.

(3) An annex to the initiative provides further details on the subject matter, objectives and background to the initiative. It explains that conversion practices 'are comprised of a diverse group of mental and physical manipulations, psycho-hypnotic indoctrinations (usually presented to public as 'therapies'), medical and homoeopathic interventions, exorcism and other treatments enacted with the aim of altering Sexual Orientation and Gender Identity and Expression'. The annex provides data from a number of reports, on the basis of which the organisers 'roughly calculate that 5 % of LGBTQ+ EU citizens have been pressured to undergo conversion practices'. The organisers also list recommendations for a ban on conversion practices from the 2023 report 'Conversion Practices on LGBT+ People' ([3]), requested by the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament.

(4) As regards the objectives of the initiative, the Commission could adopt a proposal for a Council recommendation calling for a ban of conversion practices based on Articles 83(1) and 292 of the Treaty on the Functioning of the European Union (TFEU) or Articles 19 and 292 TFEU.

(5) The Commission could also propose measures relating to conversion practices on the basis of Article 19 TFEU, provided that the requirements of this provision be duly justified and in particular that conversion practices can be qualified as discrimination based on sex or sexual orientation within the meaning of said provision.

([1]) OJ L 130, 17.5.2019, p. 55, ELI: http://data.europa.eu/eli/reg/2019/788/oj

([2]) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57, ELI: http://data.europa.eu/eli/dir/2012/29/oj).

([3]) https://op.europa.eu/en/publication-detail/-/publication/4dddcff4-2450-11ee-94cb-01aa75ed71a1

(6) Finally, it cannot be excluded that the Commission could propose the addition of certain forced conversion practices to the list of EU crimes on the basis of Article 83(1) TFEU, provided that the requirements of this provision be duly justified and in particular that such conversion practices could be considered to amount to a 'particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis'.

(7) As regards the establishment of minimum standards on the rights, support and protection of victims of conversion practices, the Commission could propose amendments to Directive 2012/29/EU on victims' rights on the basis of Article 82(2) TFEU.

(8) For those reasons, the Commission considers that none of the parts of the initiative manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

(9) That conclusion does not affect the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.

(10) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation. A legal entity has been created specifically for the purpose of managing the initiative in accordance with Article 5(7) of Regulation (EU) 2019/788.

(11) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union or to the rights enshrined in the Charter of Fundamental Rights of the European Union.

(12) The initiative entitled 'Ban on conversion practices in the European Union' should therefore be registered.

(13) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Ban on conversion practices in the European Union' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'Ban on conversion practices in the European Union', represented by Mattéo GARGUILO and Robin NOËL acting as contact persons.

Done at Brussels, 24 January 2024.

For the Commission
Věra JOUROVÁ
Vice-President