



National
Council of
Ethics for the
Life Sciences

125/CNECV/2023

**OPINION ON DRAFT BILL NO. 699/XV/1 (PAN) - FORESEES
THE CRIMINALIZATION OF PRACTICES AIMING AT
CHANGING, LIMITING OR REPRESSING SEXUAL
ORIENTATION, GENDER IDENTITY OR EXPRESSION, AND
PROMOTES THE STUDY OF THESE PRACTICES IN PORTUGAL
AND THE GUARANTEE OF SUPPORT AND RESPONSE
MECHANISMS, AND DRAFT BILL NO. 707/XV/1 (PS) -
PROHIBITS OFFENSIVE PRACTICES AGAINST LGBT+ PEOPLE
THROUGH THE SO-CALLED
"SEXUAL CONVERSION THERAPIES"**

May 2023



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RESPONSE MECHANISMS, AND DRAFT BILL NO. 707/XV/1 (PS) -
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Executive Summary

The Standing Committee for Constitutional Affairs, Rights, Freedoms and Guarantees of the Portuguese Parliament addressed to the National Council of Ethics for the Life Sciences (CNECV) a request for an opinion on the ethical aspects of Draft Bill no. 699/XV/1 (PAN), which provides for the criminalization of practices aiming at changing, limiting or repressing sexual orientation, gender identity or expression, and promoting the study of these practices in Portugal and the guarantee of support and response mechanisms, and Draft Bill no. 707/XV (PS), which prohibits offensive practices against LGBT+ people through so-called "sexual conversion therapies". The CNECV, bearing in mind that the Draft Bills present many similarities and that their ethical assessment will be largely overlapping, has decided to issue a joint opinion on both documents, although without neglecting their inherent differences.

Considering the broad scientific and, specifically, medical and psychological consensus that the sexual attraction of an individual to another of the same sex and gender non-conformity are not signs of psychopathology, but then again may cause suffering; the principle of human dignity and human rights, which demand equal respect for all people and the defence of their rights, including the right to sexual self-determination and gender identity and expression, and the principles of beneficence and non-maleficence; the responsibility of the professionals involved and the duties of the different professional associations; the need for awareness and literacy on this issue, calling for a broader legislative intervention,

The CNECV is of the opinion that it is necessary to:

1. take appropriate, effective and urgent measures to protect children and young people from the practice of Sexual Orientation Change Efforts (SOCE) and



Gender Identity Change Efforts (GICE) through awareness raising campaigns among parents, families and communities about the lack of validity, ineffectiveness and consequences of so-called "conversion therapy" practices;

2. promote and facilitate healthcare related to the free development and/or affirmation of sexual orientation and/or gender identity, including measures aimed at promoting understanding, acceptance and inclusion of LGBT+ people;

3. encourage dialogue with key stakeholders, including medical and health professional organisations, religious organisations and spiritual groups or communities, educational institutions and community-based associations, to raise awareness of human rights violations related to SOCE and GICE practices;

4. participate in international, regional and national medical and mental health associations in developing research, dissemination and communication studies that clarify the personal impact of SOCE and GICE practices;

5. implement systematic strategies to find evidence about the impacts of SOCE and GICE in Portugal, so that appropriate strategies can be adopted to counteract these practices;

6. establish measures to raise awareness in different communities - civil, religious, school, professional - on the ethical imperative of inclusion and non-discrimination of the LGBT+ community;

7. allocate resources to identify and provide support to victims of SOCE and GICE, as well as disseminate information, in relevant settings, that such practices can be denounced through proper channels;

8. prohibit these practices as well as their promotion, and to create a system of sanctions, including disciplinary, proportionate to the seriousness of each intervention, the qualification of the agent and/or the nature of the healthcare institution and the vulnerability of the person.

This opinion by the CNECV was unanimously adopted at the 277th extraordinary plenary session, held on 9 May 2023.

National Council of Ethics for the Life Sciences

President of the CNECV: Maria do Céu Patrão Neves.

Rapporteurs: Luís Madeira, Inês Godinho and Lurdes Martins.