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Conversion Therapies – An Expression of Torment

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ABSTRACT

Persons who identify themselves as Lesbians, Gays, Bisexuals, Transgenders or Intersex (LGBTI) are subjected to hate-motivated violence, discrimination and oppression in all regions of the world. They are secluded, forced to live in isolation and deprived of participation in the mainstream society. The root cause of such rejection of the community is the presumption that LGBTI people are sick, mentally ill or abnormal. For centuries, it has been iterated that LGBTI people need to be “cured” or “fixed” off their homosexuality and convert to heterosexual or cisgender. Through this article, the author throws light upon the various harmful practices carried on under the term “conversion therapies”. Despite the fact that these practices have no scientific basis and have proven ineffective, these practices are widely perpetrated by both State as well as non-State actors in various regions across the world. By means of this article, the author tries to explain and elaborate the meaning of conversion therapies and the nature of the wide range of practices followed under the term. The author also tries to draw attention towards the consequences of such practices which result in extreme pain and suffering, both physically and psychologically, which include feelings of self-disgust, depression and suicidal thoughts. Although it is the obligation of the States to prohibit and repeal laws that allow the unethical practices of conversion therapy, several States continue to propagate them. “Conversion therapies” are inherently discriminatory and amount to torture, cruel and inhuman treatment of the individuals belonging to the LGBTI community. The practices of conversion therapy have not only proven to be extremely harmful and torturous, but also encourage further stigmatization of the LGBTI community. Through this article, the author implies the importance of and the urgent need to criminalize the practice of conversion therapy.

I. MEANING OF CONVERSION THERAPY

‘Conversion therapy’ is a common term used to describe a variety of practices followed with the aim to change or alter one’s sexual orientation or gender identity.² It is based on the

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² *Statement on Conversion Therapy* – Independent Forensic Expert Group

premise that the individuals who identify themselves as Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI) persons are sick or abnormal or inferior, morally or physically because of their gender identity and therefore need to be “cured” or “corrected”.³ These practices are followed with a common motive of effecting a change from non-heterosexual to heterosexual and from trans or gender diverse to cisgender.⁴

The other terms used to describe this practice include sexual orientation change effort (SOCE), reparative therapy, reorientation therapy and gay cure.⁵ Although therapy is a term generally referred to as a process of healing, conversion therapy is a practice that causes enormous suffering and leads to psychological as well as physical harm.⁶

Heterosexuality and the alignment of sex assigned at birth with the gender identity, is, by convention, understood as “the biological norm” and sexual diversity is characterized as a deviation which is a mental illness that could be cured or treated⁷ under this therapy.

The World Psychiatric Association has declared that there is no sound scientific evidence that sexual orientation and gender identity can be changed.⁸ Hence, the efficacy of the practices is doubtful. Despite this, the practices of conversion therapy are performed in over 60 countries including India.⁹ The World Medical Association declared that homosexuality does not represent a disease, but rather a natural variation within the range of human sexuality and also condemned the so-called “conversion” or “reparative” methods.¹⁰

Speaking at the Human Rights Council, the UN Independent Expert on sexual orientation and gender identity, Victor Madrigal-Borloz said, “Practices of conversion therapy are rooted in the belief that persons of diverse sexual orientation and gender identity are somehow inferior, either morally, spiritually or physically, because of their orientation or identity, and that they must modify that orientation or identity to remedy that inferiority.”¹¹

³ *Curbing Deception – World survey on legal regulation of so called “conversion therapies”* - The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

⁴ Report of the Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity

⁵ *Statement on Conversion Therapy* – Independent Forensic Expert Group

⁶ Office of the High Commissioner for Human Rights (OHCHR) – Report on the so-called “Conversion Therapies”

⁷ Eli Coleman, “*Changing Approaches to the Treatment of Homosexuality: A review*” – American Behavioral Scientist

⁸ *WPA Position Statement on Gender Identity and Same-sex Orientation, Attraction and Behaviors* – World Psychiatric Association

⁹ *A Global Overview of Conversion Therapy* - International Rehabilitation Council for Torture Victims (IRCT) research on Conversion Therapy

¹⁰ *WMA Statement of Natural Variations of Human Sexuality (2013)*, World Medical Association

¹¹ Independent Expert on Sexual Orientation and Gender Identity (IESOGI)

II. PROPONENTS OF THE THERAPY:

The Perpetrators of the practices are private and public mental healthcare professionals which include medical doctors, psychiatrists, psychologists, sexologists and therapists.¹² In addition to the medical professionals, there are numerous faith based organizations, traditional healers and religious practitioners who claim to cure homosexuality. Along with them are several spiritual self-proclaimed godmen and ‘gurus’ who make false claims that they have the ability to “treat” homosexuality.¹³ In many cases, the victims are coerced by their family or community members to undergo the therapy.¹⁴

There is also the problem of State sponsored homophobia in a few countries. Although it is the duty of the State to combat discrimination based on sexual orientation or gender identity, “conversion therapies” are actively promoted by the governments. Regulations that imply LGBTI people be treated as mental or psychiatric patients who need to be treated are a clear violation of their right to sexual and reproductive health.¹⁵

Malaysia and Indonesia are two such countries which openly support the practice of conversion therapy. The promotion of “conversion therapies” by the government agencies in Malaysia through “educational” materials such as videos and manuals has been criticized by various human rights groups.¹⁶ In 2018 the Government released an online application called “Hijrah Diri-Homoseksualiti”¹⁷ which is an app for self-taught conversion therapy consisting of a set of resources such as audio files and eBooks covering topics such as “Controlling your Lust” and a step by step guide on Muslim journey to deal with homosexuality.

In States where homosexuality is a criminal offence, the providers and practitioners of the conversion therapy are allowed to operate freely without any restrictions or regulations, such as in Sri Lanka.¹⁸ In several countries, political authorities endorse the practices of the “conversion therapy” so as to appeal to the masses and achieve political propagandas.¹⁹

In spite of the fact that it is unethical to treat anything that is not a disorder, many health-care professionals continue to promote and endorse “conversion therapies” and engage in the

¹² *Statement on Conversion Therapy* - Independent Forensic Expert Group

¹³ *The pain and cruelty of conversion therapy* – Livemint, 14 June 2020

¹⁴ OHCHR – Report on the so-called “Conversion Therapies”

¹⁵ The UN Committee on Economic, Social and Cultural Rights, General comment No.22 (2016) on the right to sexual and reproductive health – Article 12 of the International Covenant on Economic, Social and Cultural Rights.

¹⁶ *Malaysia: Health Ministry Propagates Harmful Anti-LGBT Myths* – Human Rights Watch, June 2017

¹⁷ “Hijrah Diri – Homoseksualiti” Google Play (website)

¹⁸ Dawoodbhoy Z. *‘Homosexuality is Wrong!’: The chilling Reality of Conversion Therapy in Sri Lanka*

¹⁹ *Curbing Deception – World survey on legal regulation of so called “conversion therapies”* - ILGA

practices.²⁰ The practices are undertaken in both public spheres such as in hospitals and juvenile centers as well as in private settings like homes and religious institutions.²¹

III. NATURE AND TYPES OF PRACTICES:

Various forms of efforts are made to change a person's sexual orientation or gender identity. Some of the practices are directed towards changing sexual orientation and gender identity. The others are aimed at enabling or supporting individuals to not act on their same sex desires.²²

There are many approaches to guide the practices of "conversion therapy" which includes psychotherapy and counseling, hormone intake, aversion therapy, confinement in clinics and camps, and other medical as well as faith-based methods.²³

Psychotherapy is one of the most frequently used methods by mental health professionals. This therapy is based on the perception that sexual or diversity is a pathological abnormality. The methods used in psychotherapy are mostly abusive which include activities in the nude and touch therapy, which was explained by the plaintiffs in the case brought against Jews Offering New Alternatives for Homosexuality/Healing (JONAH).²⁴ Other practices include subjects being provided with heterosexual erotic material and encouraged to masturbate while fantasizing about persons of a different gender.²⁵

Aversion therapy is one of the most torturous methods in which a person is subjected to negative, painful or uncomfortable sensation while being exposed to a certain stimulus, under the assumption that the stimulus will become associated with the negative sensation. Gay or bisexual men are exposed to electric shocks of varying intensity while displaying male erotic on a large screen. In India, reports indicate that victims were exposed to as much as 45 sessions in which voltage of alternating current passed between two wet saline-soaked gauze electrodes tied to the left arm.²⁶ A doctor who "treated" gay and lesbian people using electroshock therapy was summoned by the Delhi High Court recently in 2018.²⁷ In a study conducted, it was seen that after being exposed to up to 40 sessions of electroshock therapy, "patients"/victims were asked to "maintain daily chart of frequency of homosexual and

²⁰ WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction and Behaviors – Official Journal of the World Psychiatric Association

²¹ Statement on Conversion therapy – Independent forensic expert group

²² OHCHR – Report on the so-called "Conversion Therapies"

²³ Curbing Deception – World survey on legal regulation of so-called "conversion therapies" - ILGA

²⁴ Michael Ferguson, et al vs. JONAH (Jews Offering New Alternatives for Healing), June 2015

²⁵ OHCHR, World survey on legal regulation of so-called "conversion therapies" - ILGA

²⁶ Homosexuality: Treatment by behavior modification - Indian Journal of Psychiatry 24 (1982), 81

²⁷ "Delhi Summons Doctor Treating Homosexual Patients Using Electric Shocks" Outlook, 8 December, 2018

heterosexual feelings and acts” as a “reinforcer” in controlling the homosexual behavior.”²⁸ Chemical aversion therapy is also administered in a similar way in which patients are injected with vomit inducing drugs while being exposed to erotic material on a large screen.²⁹

The persons are also subjected to invalid medication which includes anti-psychotics, anti-depressants and hormone injections. In 2015, Mail Today, an Indian Journal, conducted an investigation which showed that hormonal treatment was being prescribed by a sexologist in Delhi who also claimed to have “cured 1000 homosexuals” in the past 15 years.³⁰

Practices of sexual violence and pervasive rape are carried out on lesbian, bisexual and trans women with intentions of conversion. These practices have been shockingly termed as “corrective”.³¹ In many cases, “corrective” rape is committed by fathers, brothers, uncles and cousins. In other cases, families pay outsiders to “cure” their child through rape.³² There are evidences of such sexual violence in several regions of the world including in India, Nigeria and South Africa.³³

Faith-based organizations and various traditional healers or religious practitioners use the method of ritual cleansing or exorcism which includes beating the individual with a broomstick while reading holy verses or burning the person’s head back and palms³⁴ for the expulsion of a supposed evil spirit from the individual.³⁵

The other practices include force feeding or food deprivation, behavioral conditioning like forcing the individual to dress a particular way, hypnosis, verbal abuse and humiliation, hospital confinement.³⁶

Not only are these practices aimed at changing sexual orientation and gender identity, but also at supporting individuals to not act on their same-sex desires. Providers often combine a number of medical and religious practices methods along with mental health consultations, especially when it appears that one type of intervention is not working.³⁷ In cases where individuals fail at ‘converting’ their sexual orientation, the individuals are coerced to undergo

²⁸ *Homosexuality – a study of treatment and outcome* – Indian Journal of Psychiatry

²⁹ *Conversion therapy is torture* - International Rehabilitation Council for Torture Victims

³⁰ “*Mail Today Exclusive: Delhi doctors use electric shock to treat homosexuality*” – India Today, 27 May, 2015

³¹ *Harmful Treatment – The Global Reach of So-called Conversion Therapy* – Outright Action International

³² Carter C. *The brutality of ‘corrective rape’* NY Time, 2013

³³ *The Global Reach of so-called conversion therapy* – Outright Action International

³⁴ *It’s Torture not therapy* – A Global Overview of Conversion Therapy, perpetrators and role of states

³⁵ *Conversion Therapy is torture* – International Rehabilitation Council for Torture Victims

³⁶ *Ibid*

³⁷ IESOGI

surgeries in order to neutralize their orientation.³⁸

IV. EFFECTS OF CONVERSION THERAPY AND THE NEED TO ABOLISH IT:

PSYCHOLOGICAL AND PHYSICAL IMPACT:

The practices of the so-called “conversion therapies” cause extreme physical and psychological pain and suffering.³⁹

These practices cause extreme psychological terror and trauma and have been recognized as a method of torture and cruel, inhuman treatment.⁴⁰ The entire period the individual is made to undergo conversion therapies, the individual is subject to extreme mental pain.⁴¹ The practices result in profound feelings of powerlessness and worthlessness, causes extreme humiliation which constitute the feeling of shame, guilt and self-disgust.⁴² The individuals also experience a significant loss of self-esteem, anxiety, depressive syndrome, suicidal thoughts, sexual dysfunction and symptoms of post-traumatic stress disorder.⁴³

In a recent case, Anjana, 21 year old queer⁴⁴ woman from Kerala, in India, committed suicide after her family refused to accept her sexual orientation and forced her to undergo ‘conversion therapy’ where she was isolated and tortured into changing her sexual orientation.⁴⁵

Individuals, who undergo practices of conversion therapy for a long duration such as for a decade, suffer from chronic stress which in turn results in negative impact on the health of the individuals, causing them to suffer from stomach ulcers, gastrointestinal disorders, skin disorders, eating disorders and migraine.⁴⁶ In addition to this, children who are exposed to conversion efforts, experience difficulties in sleeping, vomiting, asthma and impaired growth or development. These children continue to suffer from adverse mental health even into adulthood.⁴⁷

Various medically inappropriate medications used forcibly on the individuals, causes difficulties such as movement disorders, mental slowing, tiredness, memory problems,

³⁸ Ibid

³⁹ Statement on Conversion Therapy - IRCT

⁴⁰ UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights, 2017

⁴¹ Ibid

⁴² *Changing Sexual Orientation: A consumer's report* – American Psychological Association

⁴³ Ibid

⁴⁴ Queer is an umbrella term for sexual and gender minorities who are not heterosexual and cisgender.

⁴⁵ Why we need a law against ‘conversion therapy’ in India - <https://www.deccanherald.com/opinion/why-we-need-a-law-against-conversion-therapy-in-india-850084.html>

⁴⁶ *Sexual Orientation change efforts and the search for authenticity* - Journal of Homosexuality, 2013

⁴⁷ *Parent- initiated sexual change efforts with LGBT adolescents: implications for young adult mental health and adjustment* – Journal of Homosexuality, 2009

numbness of the body, which further compounds their distress and suffering. Furthermore, when medical professionals are involved, it is likely to increase the pain of the individuals as they feel betrayed. When the social norm of trusting a health professional is broken, it leads to severe feelings of guilt, rejection and humiliation. The similar feeling of betrayal by the law is experienced when conversion therapy is ordered, conducted or supported by public authorities.⁴⁸

V. THE NEED TO CRIMINALIZE CONVERSION THERAPIES:

Practices of conversion therapies are discriminatory as they target a specific group, solely on the basis of their sexual orientation and gender identity with the aim of interfering with their personal integrity and bodily autonomy. It is the obligation of the State to ensure that it does not tolerate any kind of discrimination against persons based on their sexual orientation, including the propagation of “conversion therapies”.⁴⁹

Conversion therapies inflict severe pain and suffering without any medical justification or free and informed consent by the individuals undergoing the therapy. The practices are rooted in discrimination and amount to torture or other cruel, inhuman or degrading treatment.⁵⁰ Although the States are obligated to prevent public authorities from directly committing or encouraging any act that might amount to torture, in several countries, the public officials are involved in propagating conversion therapies.⁵¹

As mentioned previously, in several countries, the practices of “conversion therapies” take place in private spheres. Although these acts do not directly attribute to the State, it is the responsibility of the State to eliminate, prevent, investigate and punish such acts of torture. The failure of the State to act with due diligence provides a form of default encouragement to the practices.⁵²

All actions involving children or minors, whether undertaken by public or private institutions, administrative or legislative bodies, need to have the best interests of the child. A child subjected to the practices of conversion therapies is a grave violation of the child’s right to protection from all forms of physical or mental violence, injury or abuse, including sexual abuse.⁵³ Children not only experience depressive tendencies but also drop out from school

⁴⁸ *Statement on Conversion therapy – IRCT*

⁴⁹ International Covenant on Civil and Political Rights, Paras 14 and 15

⁵⁰ UN Special Rapporteur on Torture, July 2019

⁵¹ UN Committee against Torture

⁵² *Ibid*

⁵³ United Nations Convention on the Rights of the Child

and are at risk of adoption of substance abuse due to being subjected to these practices.⁵⁴

Principle 10 of the Yogyakarta Principles states that “The State shall take all necessary legislative, administrative and other measures to prevent and provide protection from torture and cruel, inhuman or degrading treatment, perpetrated for reasons relating to sexual orientation or gender identity of the victim; as well as the incitement of such acts.”⁵⁵ Despite this, the number of States that have banned or prohibit these so-called “conversion therapies” is shockingly low. As of December 2019, only three UN Member States,⁵⁶ Ecuador⁵⁷, Malta⁵⁸ and Brazil have enacted nationwide laws that restrict and criminalize the practices of conversion therapies.⁵⁹ In several other countries such as in Canada, Spain and the United States have enacted bans at local levels.⁶⁰

The states should stop providing financial support to private institutions following this practice and should ensure that there is no promotion of conversion therapy by the State institutions and their representatives. It is also recommended that the States issue guidance to the police to exercise due-diligence in the investigation and prosecution of the perpetrators of the said practice. It is the obligation of the States to ensure a system which allows the victims of the practices to report and file complaints. It will prove extremely useful if there are programs established to support and provide help in recovery of the individuals who have suffered due to being subjected to the practices.⁶¹

As mentioned earlier, the consequences of these practices are not only extremely harmful, but also worrying as its continuance leads the society to believe that diverse sexual orientation or the non-stereotypical gender identity is a treatable mental disorder, which further leads to the stigmatization of the LGBTI community. There is a dire need to criminalize or enforce a ban on the practices of “conversion therapies”

⁵⁴ *Parent-Initiated Sexual Orientation Change Efforts with LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment* – Journal of Homosexuality

⁵⁵ Yogyakarta Principles – Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity.

⁵⁶ *State Sponsored Homophobia 2019: Global Legislation Overview Update* - ILGA

⁵⁷ Comprehensive Organic Penal Code, Article 151(3) - Ecuador

⁵⁸ Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act, 2016 - Malta

⁵⁹ Federal Council of Psychology, Resolution No.1/99 (1999), Article 3

⁶⁰ *State Sponsored Homophobia 2019: Global Legislation Overview Update* - ILGA

⁶¹ *It's Torture Not Therapy* – A Global Overview of Conversion Therapy: Practices, Perpetrators, and Role of States