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Criminalization of Conversion Centres and Therapy: A Pressing Priority

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ABSTRACT

“Equality means more than passing laws. The struggle is really won in the hearts and minds of the community, where it really counts”

- Barbara Gitting.³

Homosexuality is not a disorder and should not be treated like one. The acronym LGBTQ+ is used as an umbrella phrase, and the community's health issues are frequently grouped together. Each letter denotes a separate community with its own set of health issues. Despite the fact that there is a little body of information on LGBTQ+ health, these stigmatized sexual and gender minorities have been the topic of comparatively little health research. The authors in this paper aim to create a valley of awareness for the mental wellbeing of this community. This paper expresses the concern for non-compliance of the law by the society after the decriminalization of Section 377. It aims to propagate the notion to criminalize conversion therapy and such centres which violate Constitutional and basic human rights by treating all homosexuals as mental health patients. It also throws light on the dark side of the society and the socio-legal impact of conversion centres on homosexuals. The assumption that homosexuality can be cured through conversion therapy is absurd and has no scientific reasoning. This paper further enumerates the international approach towards criminalizing such therapy and safeguarding the rights of homosexuals.

Keywords: Law, LGBTQ, Conversion Therapy, Section 377, Equality.

I. INTRODUCTION

Every year, the month of June is considered as the “Pride Month” - a concept that can be traced back to the year 1969, when the queer community protested for the first time against the injustice done to them and stood firmly for their rights. Pride month is celebrated all over the world to embrace the LGBTQ+ community and support them in their fight against the discrimination, recognition issues, and inhumane behavior faced by them. The stonewall riots

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better known as “stonewall uprising” deserves the commendation for the genesis of the fight for rights of the LGBTQ+ community. These people have faced copious amounts of problems because of their sexual orientation and their personal preferences. Over a stretch of time, they are recognized in different countries to some extent, but the social stigma is still a hindrance for them. However, the legal scenario in India changed with a landmark judgement in 2018, when the Supreme Court of India decriminalized same-sex intercourse between consenting adults. The LGBTQ+ community is given the deserved respect and recognition by the Courts and the Government of India, but their struggle for acceptance by the society continues. Even today, bitter reality is that there are conversion centres that focus on converting homosexuals into heterosexuals using harsh techniques like mental torture, sexual assault, giving electric shocks and more, against their will. These individuals are forcefully admitted to such centres due to family and societal pressure which has forced plenty into depression and suicide.

II. PRACTICE OF CONVERSION THERAPY IN INDIA

(A) Decriminalization of Section 377 of the Indian Penal Code, 1860.

The Indian Constitution embodies that every citizen shall be treated equally without any discrimination based on sex. However, Christianity considers homosexuality to be a sin and hence when the Britishers from England colonized India, they were of a notion that sexual orientation can be and should be changed. Subsequently, during their rule in India, they criminalized homosexuality while drafting the Indian Penal Code. Since 1860, homosexuality was considered as a criminal offence under Section 377 of IPC and the punishment for the same was life imprisonment or imprisonment of either description which may extend to ten years with fine. In 2018, The Supreme Court of India passed a landmark judgement which revolutionized the legal course and protection towards homosexuals.

In the case of *Navtej Singh Johar vs. Union of India*⁴ the Apex Court held that Section 377 of IPC is unconstitutional as it is discriminatory and it violates Article 14, 15, 19 and 21 of the Constitution. The society at large has discriminated against the people of the LGBTQ+ community distinctly violating Article 14 of the Indian Constitution. Article 14 manifests equality before law and equal protection of law and clearly explains that every person is equal before the eyes of law irrespective of their personal life choices. Article 15 in its plain text, prohibits discrimination against any person on the grounds of sex and the word sex is not limited to the category of male and female but it also includes one’s sexual orientation.⁵

⁴ *Navtej Singh Johar vs. Union of India* AIR 2018 SC 4321.

⁵ *Ibid.*

Denying recognition in the society and divesting someone of their fundamental rights only because of their sexual orientation is completely unconstitutional and inhumane. In *Shakti Vahini v. Union of India and ors*⁶ and *Shafin Jahan v. Asokan K.M*⁷ it was held that an individual's exercise of choice in choosing a partner is a feature of dignity and, therefore, it is protected under Articles 19 and 21 of the Indian Constitution. Homosexuals exercise their freedom of expression by their choice of life partner based on their sexual orientation and criticizing them merely because of their choice is depriving them of exercising their fundamental right of freedom of expression. Moreover, one's sexual orientation is a personal choice which comes within the ambit of right to privacy which is embodied under Article 21 of the Constitution. The society being apathetic towards the choices and the lifestyle of the people from LGBTQ+ community is a major drawback of humanity, it not only violates one but many fundamental rights guaranteed by the India Constitution.

Furthermore, in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi and ors.*⁸ and *Common Cause (A Registered Society) v. Union of India and Anr.*⁹ it was held that the right to life and liberty, as envisaged under Article 21, is meaningless unless it encompasses within its sphere, individual dignity. The Right to Dignity encompasses the ability to perform actions and activities that are meaningful expressions of oneself. After fighting for a long period of time for the rights of LGBTQ+ community, ultimately in 2018, the Apex Court observed that Section 377 of IPC had a chilling effect on various fundamental rights of the community and consequently decriminalized consensual sex between adults of same sex. However, decriminalization of the same was not enough for the LGBTQ+ community to acquire their rights and recognition in the society.

(B) Conversion therapy

Hitherto, homosexuality is a taboo in many countries; India being one of them. The State took a considerable amount of time to finally recognize the LGBTQ+ community and their rights, however they face great deal of problems in divulging themselves before the society. Moreover, homosexuality is considered as a "disease" not only in India but in many countries and in most of the countries, the people of LGBTQ+ community are sent to conversion centres to "cure" the so-called disease; homosexuality. These conversion centres use inhumane techniques to change the sexual orientation of such persons. In conversion centres, such persons are subjected

⁶ Navtej Singh Johar v. Union of India AIR 2018 SC 4321.

⁷ Shafin Jahan v. Asokan K.M AIR 2018 SC 357.

⁸ Francis Coralie Mullin v. Administrator, Union Territory of Delhi and ors. (1981) SCC (CRI) 212.

⁹ Common Cause (A Registered Society) v. Union of India and Anr, wp no. 215 of 2005.

to physical as well as mental torture. The people who come out as homosexuals are sent to such conversion centres against their will and without their consent mostly by their own families and communities. The centres subject the homosexuals to physical assault by giving electric shocks and sedating them by the kind of drugs which induce nausea or paralysis. The word therapy is wrongly associated with the conversion practice as it completely goes against the authentic meaning of the word i.e., healing.

The Pan American Health Organization (PAHO) in 2012, pointed out that these conversion therapies have no medical justification, and they are a serious threat to the health and human rights of the affected persons.¹⁰ The director of PAHO further added, “since homosexuality is not a disorder or a disease, it does not require a cure.”¹¹ Furthermore, in 2016 the World Psychiatric Association discovered that there is no sound scientific evidence that innate sexual orientation can be changed.¹² The Independent Forensic Expert Group (IFEG) recently in 2020 announced that offering this kind of conversion therapy is considered deceptive and fraud. The Indian Psychiatric Society has in 2018 categorically stated that homosexuality is not a disease and must not be regarded as such.¹³ All forms of ‘treatment/therapy’ (including individual psychotherapies, behavior therapies like aversive conditioning etc., hypnotherapy, group therapies, pharmacotherapy, physical treatment methods like ECT etc. or milieu treatments) to reverse sexual orientation are based on a premise that is erroneous; that such orientations are diseases.¹⁴ Furthermore, there is no scientific evidence that attempts to change someone's orientation are successful in any way. The Indian Psychiatric Society totally disapproves of any such treatments and urges that such therapies must cease forthwith.¹⁵

The conversion centers use different methods for changing the sexual orientation, these methods include religious, psychoanalytical, behavioral, and other methods which involve bodily harm and injecting certain drugs to change the hormones. The general notion used in these centres is that they show pictorial representation of genitals of the same sex to such homosexuals and subsequently induce physical and mental pain so as to associate the feeling

¹⁰ "Therapies" to change sexual orientation lack medical justification and threaten health, PAHO/WHO, (07/13/2021, 14:45) https://www3.paho.org/hq/index.php?option=com_content&view=article&id=6803:2012-therapies-change-sexual-orientation-lack-medical-justification-threaten-health&Itemid=1926&lang=en

¹¹ *supra*

¹² ‘Conversion therapy’ can amount to torture and should be banned says UN expert, United Nation Human Rights- Office of the High Commissioner, (07/14/2021, 16:45) https://www.ohchr.org/EN/NewsEvents/Pages/ConversionTherapy_and_HR.aspx

¹³ IPS: Position statement regarding LGBTQ, IPS Secretariat, Indian Psychiatric Association, (07/10/2021, 16:24) <https://indianpsychiatricsociety.org/ips-position-statement-regarding-lgbtq/>

¹⁴ IPS: Position statement regarding LGBTQ, IPS Secretariat, Indian Psychiatric Association, (07/10/2021, 16:24) <https://indianpsychiatricsociety.org/ips-position-statement-regarding-lgbtq/>

¹⁵ *Ibid.*

of pain and torture with such sexual body parts. The reasoning behind such an act is for the homosexuals to form a strong feeling of hatred and a negative apprehension towards same sex organs which, they claim, would result in them converting to heterosexuals.

Such conversion therapy has a failure rate in excess of 99.5% during each study.¹⁶ The youth of the LGBTQ+ community have a suicidal tendency at three times the rate of other people. Moreover, as compared to heterosexual youth, these people are likely to attempt suicide almost five times.¹⁷ The fear of rejection by their own family plays a major role in deciding the life of these people. Those youth who come from highly rejecting families are 8.4 times as likely to have attempted suicide than those who have no or low level of family rejection.¹⁸ Each episode of LGBTQ+ victimization, such as physical or verbal harassment or abuse, increases the likelihood of self-harming behavior by 2.5 times on average.¹⁹ All this data bespeaks the inefficacy of the “conversion therapy” and it is evident that it results in people having intense depression and suicidal tendencies. This form of therapy is not only illegal but also worthless and there should be an end to the menace created by such conversion centers and people running such centers should be considered as criminal offenders.

III. SOCIOLOGICAL IMPACT OF CONVERSION CENTRES

The truth about the conversion centers shook the people of India when Anjana Harish a 21-year-old queer woman from Kerala recently committed suicide in May 2020. She used the social media platform to reveal the atrocious activities going on in conversion centers. Further, she described how she was forcefully admitted by her parents, in such a conversion center where they tormented her and others from her community. The reason of death in her death certificate might be asphyxia but the ugly truth is that she was mentally and physically tortured in the conversion center where she was kept in an isolation cell like an offender. She was given various drugs and other strong dose of medication with the intention of changing her sexual orientation as if it were some kind of disease and not a natural biological phenomenon. Furthermore, there are so many other such incidents from the LGBTQ+ community which are not discovered and go unnoticed. The sad reality about such incidents is that it's their own parents who send them to such centers knowing that they will be subjected to physical and

¹⁶ B.A. Robinson, Reparative therapy & transformational ministries, Religious Tolerance Org., (07/15/2021, 15:39) http://www.religioustolerance.org/hom_exod1.htm

¹⁷ CDC. (2016). Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9-12: Youth Risk Behavior Surveillance. Atlanta, GA: U.S. Department of Health and Human Services.

¹⁸ Family Acceptance Project™. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults. *Pediatrics*. 123(1), 346-52.

¹⁹ IMPACT. (2010). Mental health disorders, psychological distress, and suicidality in a diverse sample of lesbian, gay, bisexual, and transgender youths. *American Journal of Public Health*. 100(12), 2426-32.

mental torture. All these incidents continue to happen till date because of the social stigma attached with homosexuality. It took a long time and utmost struggle on the part of the LGBTQ+ community, for the State to fulfill its responsibility by giving them legal recognition and validation.

Toxic patriarchy plays a major role in pushing people into conversion therapy. The notion that a woman should feed only a man's needs and the pressure on men to harness themselves as the alpha male who must not have feminine features. Homosexual men are pressurized to have certain characteristics that superficially portray masculinity. Nevertheless, there is no nexus between masculinity and an individual's sexual orientation. The pressure to procreate is another reason why families of homosexuals make persistent efforts to "change" their sexual orientation. In such fear, many homosexuals end up marrying the opposite sex without ever revealing their true identity. This kind of toxic patriarchy that treats homosexuals as sinners and unnatural people needs to be erased from this society. The people from LGBTQ+ community will never be safe in such a society where parents and family members pressurize them to change their sexual orientation rather than accepting their true identity without judgement.

IV. NEED FOR CRIMINALIZATION OF CONVERSION CENTERS AND CONVERSION THERAPY

Conversion therapy used for curing the homosexuality not only violates the Fundamental Rights envisaged under the Constitution but also violates Article 1, 3 and 5 as declared by the Universal Declaration of Human Rights (UDHR). The fundamental rights embodied in the Indian Constitution are in consonance with the UDHR. The right to life and liberty as guaranteed by the Indian Constitution under Article 21 includes the right to live with dignity and all that goes along with it.²⁰ In *Sunil Batra vs. Delhi Administration*, the Apex Court held that the right to life included the right to lead a healthy life so as to enjoy all faculties of human body in their prime conditions. It would even include the right to protection of one's tradition, culture and all that gives meaning to someone's life²¹. Threatening homosexuals to marry someone from the opposite sex, forcing them to change their sexual orientation and forcefully sending them to such conversion centers and using deleterious techniques for the same, is nothing but depriving them of their right to live with dignity.

²⁰ Francis Coralie v. Union territory of Delhi 1981 SCR (2) 516.

²¹ *Sunil Batra v. Delhi administration* [1978] INSC 148.

There are certain legal actions and recourses that this paper intends to throw some light on in order to bring legal accountability upon conversion therapy practitioners. The methods used in the conversion centers are completely illegal and the persons carrying out the conversion therapies should be held liable for various offences under Indian Penal Code, 1860. The therapy causes grievous injuries to the person to such an extent that it is plausible to cause immediate death of a person and hence Section 320 of IPC must be charged in such a case. The section provides that any hurt which endangers life or which causes the sufferer to be during the space of 20 days in severe bodily pain or unable to follow his ordinary pursuits.²² The methods like giving electric shocks can cause immediate death of a person and it certainly endangers the life of a person. Any injury is said to endanger life if it may put the life of the injured in danger.²³

The Convention Against Torture defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” for purposes that include “any reason based on discrimination of any kind” and in circumstances when “such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”²⁴ Moreover, According to International Forensic Expert Group (IFEG) many conversion therapy practices bear similarity to acts that are internationally acknowledged to constitute torture or other cruel, inhuman, or degrading treatment or punishment. Those include beatings, rape, forced nudity, force-feeding, isolation and confinement, deprivation of food, forced medication, verbal abuse, humiliation, and electrocution.²⁵

Further Section 322 provides that whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt”.²⁶ It is a logical conjecture that this kind of therapy affects the person physically as much as it affects them mentally and that the persons carrying out such therapy knowingly cause hurt or grievous hurt to the person admitted there as the case may be. Those who are sent in these conversion centers are subjected to mental torture and the therapy leaves them with agonizing trauma. The penalties for the Section 322 is provided in Section 325.

Furthermore, Section 328 punishes causing hurt by means of poison or any intoxicating or

²² Indian Penal Code, 1860. Act no. 45 OF 1860, Section 320.

²³ Ramla Re, (1963) Cr.L.J 387; Government of Bombay v. Abdul Waheb Air 1946 Bom 38 (FB).

²⁴ IRCT Briefing: 'Conversion Therapy', International Rehabilitation Council for Torture Victims, (07/15/2021, 15:45) <https://irct.org/media-and-resources/latest-news/article/1103>.

²⁵ Statement on Conversion Therapy, Independent Forensic Expert Group, (07/15/2021, 15:55) [https://irct.org/uploads/media/\(IRCT_version\)_Statement_on_Conversion_Therapy.pdf](https://irct.org/uploads/media/(IRCT_version)_Statement_on_Conversion_Therapy.pdf).

²⁶ Indian Penal Code, 1860. Act no. 45 OF 1860, Section 322.

unwholesome drug, etc., with the intention to cause hurt or knowing that such a drug is likely to cause hurt. The recent incident of Anjana Harish, a resident from Kerala, committed suicide because of the mental and physical trauma the conversion center inflicted on her. She put across the ugly truth of conversion therapy wherein she was drugged and sedated for days. There may be untold cases where these conversion centers intentionally and knowing that such drugs are likely to cause harm to administer harmful drugs to the people admitted there in the name of therapy which can cause serious irreversible damage to the person. To invoke this section, there must be not only an administration of a drug but also the intention as mentioned in the section²⁷. Section 336 and aggravated forms of the offence under the section can also be charged on these conversion centers for carrying out acts rashly and negligently in such a way that it endangers human life and personal safety of others. Section 337 is an aggravated form, which can be implied only when hurt is caused to any person by reason of such an act done.

The fact that homosexuality is not a disease, there is no scientific method to cure it and there is no scientific evidence to prove that conversion therapy is a successful therapy, it is imperative to spread awareness about the same. Anyone being negligent about this fact and trying to cure homosexuality by practicing any therapy or other methods should be held liable under the aforementioned sections of Indian Penal Code and strict actions should be taken against such unlawful activities.

The Mental Health Care Act, 2017²⁸ specifies that no patients shall be discriminated against on the premise of gender and sexual orientation, by mental health professionals. Furthermore, 'free consent' is required from the patients before treating them. This Act additionally aims to eradicate unkind and harsh ways that are accustomed to treat patients beside the degrading manner during which patients are kept at mental health facilities. However, it imposes liability on medical professionals as well as on the State. Although the Mental Health Care Act may be used to provide restricted protections to the LGBTQ+ community towards the atrocious practice of 'conversion therapy', a separate law is needed to address this issue. The Conversion therapy practitioners under the garb of mental health care, intend to cure homosexuality, which is considered as an illness according to them. However, the Act implies that the LGBTQ+ community are not deemed as mental health patients simply because of their sexual orientation. Hence it should be known that the Conversion therapy practitioners cannot, in the name of this Act and its provisions, continue violating human rights and its related illegal activities.

²⁷ Muruga Goundan v. Pettaiyan (1914) 15 Cr L.J 599.

²⁸ Mental Health Care Act, Act no. 10 of 2017.

V. INTERNATIONAL STANCE ON CONVERSION CENTRES AND CONVERSION THERAPY

The conversion centers and the notion of curing the homosexuality through conversion therapy prevails all over the world. However, some of the countries have put their best foot forward to ban such conversion therapy in the wake of a newly found accepting mentality towards the LGBTQ+ community. The people from this community have struggled for a long time for their rights not only in India but all over the world. There are some countries where homosexuality is still considered as an offence or a taboo whereas there are some countries which have recognized equal rights for this community as they deserve it.

The World Health Organization declassified sexual orientation as a mental disorder and stated in its policy statement that sexual orientation alone is not to be regarded as a disorder²⁹. The policy statement further mentioned “among individuals with same-sex behavior, attractions, or identity, a variable pattern is the norm rather than the exception. Further, variation alone is an insufficient criterion for diagnosing a mental disorder.”³⁰ Various international organizations have come up with their statements in support of the LGBTQ+ community. United Nations Human Rights, Office of the High Commissioner stated in their Report on Conversion therapy to call for a global ban on conversion therapy and further stated the required steps in the process i.e.,

- Clearly defining the prohibited practices
- Ensuring public funds are not used to support them
- Banning advertisements
- Prohibiting such intervention in health-care, religious, education, community , commercial or any other setting-public or private
- Establishing punishments for non-compliance, and investigate respective claims
- Creating mechanisms to provide access to all forms of reparations to victims.³¹

The LGBTQ+ community faces such problems in society even after getting validation from the Supreme Court in various cases. Some of the great international human rights experts drafted a set of international principles relating to sexual orientation and gender identity. These

²⁹ Proposed declassification of disease categories related to sexual orientation in the International Statistical Classification of Diseases and Related Health Problems (ICD-11).

³⁰ Ibid.

³¹ Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report on conversion therapy, United Nation Human Rights- Office of the High Commissioner (07/15/2021, 15:57) <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/ReportOnConversiontherapy.aspx>.

principles were adopted in 2006 by a panel of leading international law experts and came to be known as Yogyakarta principles³². The Supreme Court has reiterated and stated that the ‘Yogyakarta Principles on the Application of International Law in relation to Issues of Sexual Orientation and Gender Identity’ must be applied in the Indian law context.³³

It is pertinent to note that the heterosexual as well as homosexual conduct are natural aspects of human sexuality. Both these forms of sexuality have been portrayed in different cultures and in different historical aeon. As homosexuality is not considered as a mental disorder, all major mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation. To date, there has been no scientifically adequate research to show that therapy aimed at changing sexual orientation (also called reparative or conversion therapy) is safe or effective.³⁴ Furthermore, the American Psychiatric Association (APA) clearly stated in its statement in 1998 that APA opposes any psychiatric treatment, such as “reparative” or “conversion” therapy that is based on the assumption that homosexuality is a mental disorder and that the patient should change his or her sexual orientation.³⁵ The APA further expanded their statement in 2013 that APA does not believe that sexual orientation should or needs to be changed, and efforts to do so represent a significant risk of harm by subjecting individuals to forms of treatment which have not been scientifically validated.³⁶

The United Nations is the foremost instrument to expand international recognition of the right to equality. All the member states of the United Nations Organization are bound to respect and adhere to its statements, treaties and conventions. The UN Human Rights office has documented a wide range of violations committed against individuals based on their sexual orientation and gender identity, which includes:

- Violent attacks, ranging from aggressive verbal abuse and psychological bullying to physical assault, beatings, torture, kidnapping and targetted killings.
- Without national laws prohibiting discrimination by third parties on grounds of sexual orientation and gender identity, such discriminated treatment continues unchecked, leaving little recourse to those affected. In this context, lack of legal recognition of same-

³² The Yogyakarta Principles, (07/15/2021, 15:58), <https://yogyakartaprinciples.org/>

³³ National Legal Services Authority v. Union of India, WP (Civil) no. 400 of 2012.

³⁴ Sexual Orientation & Homosexuality, American Psychological Association, (07/12/2021, 15:57) <https://www.apa.org/topics/lgbtq/orientation>

³⁵ APA Reiterates Strong Opposition to Conversion Therapy, American Psychiatric Association, (07/11/2021, 16:45) <https://www.psychiatry.org/newsroom/news-releases/apa-reiterates-strong-opposition-to-conversion-therapy>.

³⁶ Ibid.

sex relationships or of person's gender identity can also have a discriminatory impact on many LGBTQ+ individuals.³⁷

Furthermore, the UN General Assembly and Human Rights Council called on all the member states to ensure the protection of the right to life of all persons under their jurisdiction and to promptly and thoroughly investigate all killings including those motivated by the victim's sexual orientation and gender identity. It further proposed steps to be taken by states in order to protect the rights of LGBTQ+ community which include:

- Repeal laws criminalizing homosexuality including all legislation that criminalizes private sexual conduct between consenting adults. Ensure that individuals are not arrested or detained based on their sexual orientation and are not subjected to any degrading physical examinations intended to determine their sexual orientation.³⁸
- Protect individuals from homophobic and transphobic violence and prevent torture and cruel and inhuman and degrading treatment. Enact hate crime laws that discourage violence against individuals based on their sexual orientation and set up effective systems for reporting hate motivated acts of violence, including effectively investigating and prosecuting perpetrators.³⁹

In the light of the treaties, position statements and reports propounded by various international health organizations, there are few countries which have banned the unethical practice of conversion therapy; namely, Ecuador, Malta, Germany, Brazil, Taiwan, Australia, South Africa, Spain Canada. These countries have played an active role in recognizing the rights of self-preservation and personal choice by criminalizing conversion therapy. However, there are certain countries such as Argentina, Fiji, Samoa, Ireland, Lebanon that oppose conversion therapy but have not made any official announcement for the same. With regards to India, the Indian Psychiatric Society issued a statement to ban any such unethical medical treatment subjected to the people of LGBTQ+ community, but there is no official statement made by the Indian Government regarding the same.

VI. CONCLUSION

According to a recent research of statistical data on conversion therapy, the aggressive usage of this treatment is directly related to society opinions about LGBTQ+ people and their level

³⁷ International Human Rights Law and Sexual Orientation & Gender Identity, Free & Equal United Nations For LGBT Equality, (07/12/2021, 18:32), <https://www.unfe.org/wp-content/uploads/2017/05/International-Human-Rights-Law.pdf>

³⁸ Ibid.

³⁹ Ibid.

of unacceptability. Mistrust of health facilities and employees will persist if the LGBTQ+ community is subjected to forced treatment and such therapies, impacting their entitlement to adequate and excellent healthcare, among other fundamental rights. States need to ensure that health professionals and public officials receive training in respecting the human rights of LGBTQ+ persons, so that they can become an inclusive part of our society and our mental health care system. It is indispensable that awareness be spread among the society at large to acknowledge and implement the objective of the laws made in support of this community rather than subjecting them to torturous therapies with no scientific backing. The families should accept their child irrespective of their sexual orientation. Moreover, in the times where homosexuals are perceived as miscreants by the society, their families should not be ashamed if their sons or daughters come out as homosexuals.

The attempts to change sexual orientation can have horrific impacts on the mental wellbeing of the persons which may result in various other mental health disorders. According to a survey conducted by the Ozanne Foundation, it was revealed that out of those who had experienced conversion therapy, nearly 70% had suicidal thoughts. 68.7% reported having suicidal thoughts, 59.8% experienced anxiety and depression, requiring medication, 41.3% experienced anxiety and depression, not requiring medication, 40.2% said they had self-harmed, 24.6% said they had suffered from eating disorders.⁴⁰

This paper aims to propagate the criminalization of conversion therapy and centres which promote the idea of changing the sexual orientation of homosexuals. Rigorous punishment must be formulated by the legislature in the wake of such incidents like that of Anjana Hareesh and similar happenings which go unnoticed. It is imperative to note that even after the Supreme Court of India decriminalized Section 377, the legality of conversion therapies and conversion centres has not been questioned so far.

⁴⁰ Ellen Hoggard, Survey Reveals Impact of Conversion Therapy on Mental Health, (07/15/2021, 18:32), <https://happiful.com/survey-impact-conversion-therapy-mental-health/>