

# To nullify and punish: “Sexual conversion practices” as acts of torture in Latin America

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## Key points of interest

- Sexual conversion practices can meet the legal threshold of torture, particularly where severe suffering is intentionally inflicted for discriminatory purposes.
- These practices operate through structured mechanisms - psychological, physical, and social - aimed at suppressing or reshaping identity.
- The “specific purpose” element (e.g. punishment, coercion, or discrimination) is central to legally characterising these practices as torture.
- Evidence from Latin America indicates that these practices persist within contexts of institutional tolerance and impunity.

## Abstract:

*Introduction:* The formulation of the legal definition of torture has sparked an ongoing debate concerning the relative weight of its three constitutive elements: the infliction of either physical or mental pain or suffering, its intentional character, and its specific purpose. Whilst some interpretations privilege intentionality as the central defining characteristic, others stipulate purpose as the decisive criterion for identifying torture. This article assesses whether the so-called “sexual conversion practices” satisfy these elements and examines the role of specific purpose as an interpretive criterion. *Methods:* The article adopts a doctrinal legal analysis within international human rights law, with particular attention to the jurisprudence of the Inter-American human rights system, complemented by a forensic and contextual interpretive approach. *Results:* Sexual conversion practices may meet the constitutive elements of torture, particularly in contexts shaped by structural discrimination, where physical or psychological suffering is intentionally inflicted for discriminatory purposes. *Discussion:* Whereas specific purpose emerges as a central interpretive criterion, its analytical value is limited by its presence in other forms of ill-treatment, requiring renewed engagement with its role in legal interpretation.

**Keywords:** Sexual conversion practices, torture, LGBTIQ+, specific purpose

## Introduction

Following the formulation of the legal definition of torture, the relative weight of its constitutive elements has been the subject of sustained debate, particularly regarding the role of intentionality and the function of specific purpose as a qualify-

ing criterion (Association for the Prevention of Torture, 2001). Although intentionality refers to the conscious and voluntary infliction of harm, specific purpose requires that the act be carried out in pursuit of a particular objective, often embedded in a broader context. This distinction is critical, as acts of torture

rarely involve an explicit or readily demonstrable manifestation of intent, making the purposive element especially relevant for their legal identification.

Sexual conversion practices, so-called “conversion therapies”, or “Sexual Orientation and Gender Identity Change Efforts” (SOGICE), constitute a paradigmatic example. These practices—rejected by international organisations and professional mental health bodies—aim to suppress or alter sex-gender identity and expression in people perceived as deviating from heteronormative or cis-normative standards. Their operation is typically systematic and prolonged, combining overtly violent techniques, such as electroshock or so-called “corrective rape,” with sustained coercive regimes, including isolation, forced medicalisation, and “gender re-education” programmes. In all instances, their functional objective is the same: the suppression of non-normative sexual orientations and gender identities.

In recent years, a growing number of jurisdictions have adopted legislative or regulatory measures to prohibit “sexual conversion practices”, particularly in relation to minors. These initiatives reflect an emerging international recognition of the harms associated with such practices and their incompatibility with fundamental human rights standards (Mendos, 2020). Despite these legislative developments, the legal characterisation of these practices as forms of torture or ill-treatment remains insufficiently explored in doctrinal and forensic analyses.

From this perspective, this article analyses conversion practices under the legal definition of torture of the Inter-American Human Rights system, arguing that their specific purpose enables the articulation of the remaining constitutive elements. On this basis, the article pursues a dual objective: first, to develop criteria capable of fostering doctrinal dialogue between regional human rights systems regarding the qualification of conversion practices under international law; and second, from a strategic litigation standpoint, to propose an argumentative framework for their legal characterisation as acts of torture before judicial and quasi-judicial bodies.

Although this article focuses primarily on the jurisprudence of the Inter-American human rights system, this choice responds to both doctrinal and contextual considerations. Latin America has produced one of the most developed regional bodies of jurisprudence on torture and ill-treatment, as well as increasing documentation of conversion practices and active advocacy by civil society organisations. The Inter-American Court’s doctrinal elaboration on the purpose, severity, and contextual elements of torture therefore provides a particularly useful analytical framework. At the same time, the arguments developed here are situated within the broader international human rights regime and may contribute to ongoing debates in

other regions, including those shaped by United Nations treaty bodies and other regional systems.

### **Torture as a concept**

Torture has traditionally been understood as one of the most severe violations of human dignity, not only because of the harm it produces, but also because it reflects the exercise of power beyond lawful limits. Historically, its use has been linked to the purposes for which it is implemented: breaking physical and mental resistance, subduing the will, punishing the body, and/or controlling divergence (Rejali, 2007). These aims are followed even when the legal, political, or social framework is violated, because, as Elaine Scarry (1985) points out, its intent is to use pain to secure power:

“Pain annihilates not only the objects of complex thought and emotion but also the objects of the most elemental acts of perception. It may begin by destroying some intricate and demanding allegiance, but it may end (as is implied in the expression “blind pain”) by destroying one’s ability simply to see. In torture, this world dissolution, acknowledged in confession, is mimed in the conversion into weapons and resulting cancellation of all parts of the room as well as all parts of the larger world that can be bodied forth in the torturer’s action and speech” (p. 54)

This is particularly significant given that the term torture derives from the Latin *torquere*, meaning “to twist” or “to change by force” (Harper, n.d.). In this sense, the word torture reflects a dual dimension: on the one hand, the intention to disrupt or break the integrity, and on the other hand, the imposition of a particular form, condition, or state (Miller, 2006). However, after World War II, a path toward a more precise conceptualisation began. It was based on the idea that it is a practice ordered or tolerated by the State, in which its agents -generally security and/or law enforcement<sup>1</sup>-, directly or with private support, use conferred resources and powers to achieve objectives unattainable by legitimate means. Clear examples include coercive interrogations, human experimentation, persecution and silencing of dissidents, and social repression. These advances were reflected in instruments such as the 1947 Nuremberg Code, the 1949 Geneva Conventions, and, in greater detail, the 1984

1 In Mexico, the Supreme Court of Justice of the Nation (SCJN) recognized that obstetric violence can constitute torture by producing physical and psychological effects in a context of intimidation and deception generated by state agents, moving away from the reductionism of security and justice activities (SCJN, 2021).

UN Convention against Torture (CAT), thereby consolidating this body of norms.

In this regard, the definition set out in the 1984 United Nations Convention against Torture is particularly relevant, as it not only provides a legal characterisation of torture, but also implicitly recognises its coexistence with other forms of prohibited ill-treatment. Within this framework, torture and cruel, inhuman, or degrading treatment or punishment are understood as part of a continuum of violence, in which torture constitutes a more aggravated or complex form of abuse. The Convention conceptualises torture through the convergence of specific elements, namely the infliction of physical or mental pain or suffering, its intentional character, and its specific purpose, while simultaneously leaving space for the recognition of other forms of ill-treatment that, although prohibited, do not necessarily meet this threshold (Table 1).

From a dogmatic perspective, the distinction between these categories does not rest on a single element, but on the interaction between the intensity of the harm inflicted, the nature of the conduct, and its purposive orientation. Within this framework, the distinction between torture and other forms of cruel, inhuman, or degrading treatment has traditionally relied on the severity

of the suffering inflicted. This is understood as the threshold that marks torture as the most aggravated form of prohibited conduct. By contrast, other forms of ill-treatment tend to involve acts of humiliation, degradation, or abuse that, whilst harmful, do not necessarily entail the same degree of structural intervention over the person or the same configuration of purposes. This distinction has been central to forensic and judicial analysis, as it enables authorities to determine whether an act meets the legal threshold for torture or falls within the category of cruel, inhuman, or degrading treatment.

Nonetheless, this approach has simplified the identification of crucial limitations. The assessment of severity is inherently contextual and may depend on the biopsychosocial characteristics of the victim, including age, gender, physical or mental health status, or conditions of vulnerability. Moreover, an exclusive focus on intensity risks may obscure cumulative, prolonged, or primarily psychological harms, as well as those that operate through mechanisms not immediately visible (Cantoral Benavides v. Peru, 2000, para. 102). In response to these challenges, developments within the Inter-American human rights system have progressively broadened the analytical framework. In particular, the Inter-American Convention to Prevent and Punish Torture incorporates conduct consisting of methods intended to nullify the victim’s personality or to diminish their physical or mental capacities, even where these

do not produce acute physical pain. This expansion reflects a shift toward recognising that certain practices may qualify as torture not only because of the intensity of suffering inflicted, but also because of their capacity to disrupt autonomy, identity, and agency. At the same time, the prohibition of torture has been consolidated as an absolute norm of *jus cogens*, admitting no justification under any circumstances. Furthermore, it has been accompanied by an increasing emphasis on States’ duty to adopt preventive measures, including the training, supervision, and accountability of public officials.

In practice, however, the boundary between torture and cruel, inhuman, or degrading treatment is often shaped by evidentiary considerations. Adjudicatory bodies rely on the available evidentiary record to determine the appropriate legal characterisation of the conduct. Where the documentation of the acts and their consequences allow for the establishment of particularly aggravated forms of harm attributable to the responsible agent, the conduct may be characterised as torture; where such elements cannot be conclusively established, it may instead be addressed within the broader framework of cruel, inhuman, or degrading treatment. This dynamic reflects both the conceptual proximity between these categories and the practical structure through which courts evaluate and classify allegations of abuse under international law.

From this perspective, even though severity remains a relevant legal criterion, it should not be understood as a rigid or exclusive threshold. Rather, it must be interpreted in conjunction with the nature of the methods employed, the context in which they are deployed, and their functional or purposive orientation. In particular, practices that are designed to transform, suppress, or nullify the victim’s personality or autonomy may meet the legal threshold of torture when the constitutive elements are satisfied. It is especially present in contexts marked by coercion, dependency, or structural discrimination, even where the intensity of suffering is not easily measurable in conventional terms. The aforementioned is consistent with the understanding, reflected in international jurisprudence, that violations of personal integrity exist along a continuum encompassing both torture and other forms of cruel, inhuman, or degrading treatment, in which their differentiation depends not on a single factor but on the interaction between the characteristics, purposes, and effects of the conduct.

The development of the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*—known as the Istanbul Protocol—marked a turning point in the systematisation of criteria to understand and document torture in all its complexity. The Protocol emphasises the importance of identifying

**Table 1.** *Legal definitions of torture. Based on available legal frameworks.*

Element	UN Convention against Torture (1984)	Inter-American Convention to Prevent and Punish Torture (1985)	Ley General para Prevenir, Investigar y Sancionar la Tortura y otros Tratos o Penas Crueles, Inhumanos y/o Degradantes [General Law to Prevent, Investigate, and Punish Torture] (Mexico, 2017)
<b>Perpetrator</b>	...a public official or other person in the exercise of an official function, at his instigation, or with his consent or acquiescence	Will be liable for the crime of torture: 1. Public employees or officials who, acting in that capacity, order, instigate, or induce its commission, commit it directly, or who, having the ability to prevent it, fail to do so. 2. Persons who, at the instigation of the public officials or employees referred to in subsection a., order, instigate, or induce its commission, commit it directly, or are accomplices.	1. The public servant who 2. The individual who: a. With the authorization, support, or acquiescence of a Public Servant commits any of the conduct described b. With any degree of authorship or participation, intervenes in the commission of any of the conduct described
<b>Conduct</b>	any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person,	1. Any intentional act that inflicts physical or mental pain or suffering on a person, 2. Or the application of methods to a person intended to nullify the victim's personality or diminish their physical or mental capacity, even if they do not cause physical pain or psychological distress.	1. Causes physical or psychological pain or suffering to a person 2. Commits conduct that tends to or can diminish or nullify the Victim's personality or physical or psychological capacity, even if it does not cause pain or suffering 3. Performs medical or scientific procedures on a person without their consent or without the consent of someone who could legally grant it.
<b>Specific purposes</b>	1. To obtain information or a confession from them or a third party 2. To punish them for an act they have committed, or are suspected of having committed 3. To intimidate or coerce that person or others 4. For any reason based on any type of discrimination	1. For criminal investigation purposes 2. As a means of intimidation 3. As personal punishment 4. As a preventative measure 5. As a punishment 6. For any other purpose	1. To obtain information or a confession 2. For criminal investigation purposes 3. As a means of intimidation 4. As a means of personal punishment 5. As a means of coercion 6. As a preventive measure 7. For reasons based on discrimination 8. For any other purpose:

<b>Element</b>	<p><b>Ley 20.968. Tipifica Delitos de Tortura y de Tratos Crueles, Inhumanos y Degradantes [Law 20.968</b>  <b>Defines the offences of torture and cruel, inhuman or degrading treatment] (Chile, 2016)</b></p>	<p><b>Ley 599/2000 [ Law 599 / 2000] (Colombia, 2000, as amended)</b></p>	<p><b>Ley 23.097 [Law 23.097] (Argentina, 1984)</b></p>
<b>Active subject</b>	<p>1. Any public employee who, abusing his or her position or duties, inflicts, orders, or consents to the use of torture;                  2. The same penalty shall be imposed on any public employee who, knowing of the occurrence of such conduct, fails to prevent or stop the use of torture, even if he or she has the necessary power or authority to do so or is able to do so.                  3. The same penalty shall be applied to any individual who, in the exercise of public duties, or at the instigation of a public employee, or with the consent or acquiescence of the latter, carries out the acts referred to in this article.</p>	<p>He who inflicts on a person</p>	<p>1. The public official                  2. The same penalty shall be imposed on private individuals who commit the acts described.</p>
<b>Conduct</b>	<p>1. Any act by which severe pain or suffering, whether physical, sexual, or psychological, is intentionally inflicted on a person.                  2. The intentional application of methods intended to annul the personality of the victim, or to diminish his or her will or capacity for discernment or decision, for any of the following purposes:</p>	<p>[Inflict] severe pain or suffering, physical or mental</p>	<p>1. Imposes any kind of torture or persecutions, whether legitimately or unlawfully deprived of their liberty.                  2. Torture shall be understood not only as physical torment, but also as the infliction of psychological suffering when this is sufficiently severe.</p>
<b>Specific purposes</b>	<p>1. Obtaining information, statements, or confessions from the victim or a third party                  2. Punishing the victim for an act that the victim has committed or is alleged to have committed                  3. Intimidating or coercing the victim                  4. Due to discrimination based on grounds such as the victim's ideology, political opinion, religion, or beliefs; nationality, race, ethnicity, or social group to which the victim belongs; sex, sexual orientation, gender identity; age, affiliation, personal appearance, health status, or disability                  5. For any other purpose.</p>	<p>1. Obtaining information or a confession from her or a third party                  2. Punishing her for an act she has committed or is suspected of having committed                  3. Intimidating or coercing her for any reason that involves any type of discrimination                  4. Anyone who commits the conduct for purposes other than those described in the preceding paragraph shall incur the same penalty.</p>	<p>No element</p>

The table includes legal definitions of torture based on statutory provisions available at the time of submission. Years correspond to the enactment or most recent reform of the relevant provisions. Translations are the author's own.

not only physical evidence but also signs and symptoms of psychological and social harm, enabling the recognition of more subtle forms of torture, including those that may be concealed by their presentation as legitimate or therapeutic practices. In doing so, it reinforces the need to assess harm beyond immediately observable manifestations, in line with a broader understanding of torture that accounts for its cumulative, contextual, and often less visible effects.

A key contribution to this broader understanding came from Martín-Baró (1983), who argued that torture is not only the infliction of physical pain, but a structured mechanism for breaking a person’s dignity and agency. According to this perspective, torture operates within frameworks of power and impunity, seeking to weaken, humiliate, and render the victim powerless. Specialists working with victims of authoritarian regimes in Latin America have expanded on this view, documenting the prolonged individual and collective consequences of torture, including loss of trust, identity fragmentation, disruption of personal life trajectories, and the weakening of social and reparative mechanisms (Bendfeldt-Zachrisson, 1988; Domovitch et al., 1984; Reyes, 2007). Accordingly, torture may be understood not only as a criminal act but also as a mechanism of structural, political, and social repression and silencing.

This perspective is key to comprehending how violence may function not only as a form of punishment, but also as a mechanism aimed at correcting or suppressing what is perceived as deviant behaviour. In this regard, existing documentation, such as the report *Aniquilar la diferencia* (2015), illustrates how LG-BTIQ+ people have been subjected to threats and attacks by armed actors seeking to repress dissent and reinforce normative social orders.

### Sexual conversion practices

Sexual conversion practices comprise a heterogeneous set of interventions aimed at modifying sexual orientation, gender identity, and/or gender expression. These interventions are grounded in medical, psychological, religious, or social doctrines that pathologise sex- and gender-diverse experiences (International Rehabilitation Council for Torture Victims, 2020). Their defining feature lies in their eclectic operational design: implementation typically depends on the interpretive frameworks of those who administer them and on the perceived severity of the conduct to be “corrected.” Consequently, a wide range of aversive, sensitisation, desensitisation, and reinforcement strategies are employed, resulting in practices ranging from overt violence to more subtle forms of coercion and manipulation (Table 2).

The genealogy of these interventions can be traced to psychoanalytic and behavioural frameworks that historically

pathologized sexual dissidence (Bieber, 1962; Socarides, 1968, 1983), as well as to clinical interventions that claimed to have “cured” homosexuality (Birk et al., 1971; Drescher, 2015a; Feldman, 1966; Gold & Neufeld, 1964; James, 1962; Kraft, 1967; McConaghy et al., 1981; Murphy, 1991; Nicolosi et al., 2000 Pradhan et al., 1982; Rekers & Lovaas, 1974). These sources are referenced not to endorse their premises, but to reconstruct the intellectual and clinical origins of practices that continue to persist. Contemporary scientific and human rights standards have widely rejected these approaches (Glassgold, et al, 2009; Organisation Intersex International Europe, 2018; United Nations Development Program, 2022). Nevertheless, contemporary iterations continue to circulate through pseudo-scientific networks, transnational religious organisations, and coaching industries offering retreats, camps, and workshops that frame sexual and gender diversity as deviation (Bañuelos, 2017, 2023; Drescher, 2015b).

Within the biomedical field, these corrective logics have also produced invasive interventions such as non-consensual hormone treatments, electroshock therapies, and, in extreme cases, the surgical modification of intersex bodies without medical indication (Carpenter, 2016; Inter et al., 2018). In Mexico, human rights organisations have documented the use of sexual desire inhibitors and forced hormone administration in children and adolescents (Documenta A.C., 2024; Mendos, 2020). Such interventions violate the principles of progressive autonomy and non-maleficence and constitute forms of medical violence.

Genital surgeries on intersex children—including clitoridectomies, gonadectomies, and vaginoplasties—are frequently performed without the child’s participation in decision-making processes (Méndez, 2013), undermining both human dignity and the development of personal identity. Current scientific consensus indicates a very limited necessity for medical or surgical intervention in most intersex variations (Drescher, 2015c; Glassgold et al., 2009; Organization Intersex International Europe, 2018; United Nations Development Program, 2022). The systematic occurrence of these procedures in hospital settings has been documented and reported to international bodies (Organization Intersex International Europe, 2018), together with evidence of their long-term consequences (Asociación OTD Chile, 2018). In 2015, the Committee on the Rights of the Child called for their immediate prohibition (Office of the United Nations High Commissioner for Human Rights, 2024).

One of the most extreme manifestations is the “corrective rape”: sexual assault involving forced penetration—often by multiple perpetrators—accompanied by physical, psychologi-

**Table 2.** *Procedural schemes used in sexual conversion practices.*

Scheme	Dynamic	Techniques or procedures	Implications
<b>Aversive</b>	Pairing an element that elicits an “undesirable” response with a painful or unpleasant physical reaction, leading to the absence of the response or avoidance of the element (Feldman, 1966; Matson & Taras, 1989).	<ul style="list-style-type: none"> <li>– Electric shocks to genitals or mucous membranes (McConaghy et al., 1981)</li> <li>– Simultaneous exposure to emetic drugs, loud noises or bright lights, and dissident sexual material (Birk et al., 1971)</li> <li>– “Corrective” sexual violence</li> <li>– Acts of public or group humiliation</li> </ul>	<ul style="list-style-type: none"> <li>– Victims are restrained and/or incapacitated through physical means (ropes, tapes, chains) or pharmacological agents (benzodiazepines, alcohol, etc.)</li> <li>– Conducted in submissive environments (schools, clinics, “rehabilitation” centers, etc.) with varying degrees of isolation (social, geographic, etc.) (Bañuelos, 2017; Rodríguez, 2022)</li> </ul>
<b>Sensitisation and desensitisation</b>	Gradually modifying affective/behavioural responses toward sex-dissident experiences by altering the stimulus–response circuit through simultaneous exposure to opposing stimuli (Kearney, 2006; Murphy, 1991).	<ul style="list-style-type: none"> <li>– Diaphragmatic breathing sequences, progressive muscle relaxation, and/or guided imagery (Segal &amp; Sims, 1972)</li> <li>– Development of avoidance strategies (Conine, Campau &amp; Petronelli, 2022)</li> <li>– Gradual exposure to normative stimuli</li> <li>– “Masturbatory reconditioning” or peer masturbation (Birk et al., 1971; Gold &amp; Neufeld, 1964)</li> </ul>	<ul style="list-style-type: none"> <li>– Typically rely on normative erotic stimuli introduced gradually and/or covertly</li> <li>– Extend control beyond the “therapeutic” setting, with constant family surveillance and monitoring</li> <li>– Due to their nature, they always require the use of other schemes in combination</li> </ul>
<b>Reinforcement</b>	Reinforcing the stimulus–response circuit through positive or negative reinforcement to consolidate the “desired” response (Ferster & Skinner, 1957).	<ul style="list-style-type: none"> <li>– Gender re-education</li> <li>– Dynamics of social acceptance and inclusion</li> <li>– Missionary acts (Beckstead, 2012)</li> </ul>	<ul style="list-style-type: none"> <li>– May result from an intentional process or from the victim’s broader social context</li> <li>– Involve a profound transformation of identity and life trajectory</li> </ul>

cal, and social violence intended to subjugate, humiliate, and control the victim. These acts are not primarily driven by the aggressor’s sexual gratification but rather by the objective of forcibly modifying sexual or gender behaviour. They are legitimised through discourses that interpret the victim’s body according to the social role they are presumed to fulfil, thereby reinforcing binary gender norms and heteronormativity. International reports document individual and group rapes, threats, kidnappings, and other acts of sexual torture associated with devastating consequences (Madrigal, 2020; OutRight International, 2022). The Pan American Health Organization (PAHO) has formally recognised this phenomenon, warning that it consti-

tutes a form of prejudice-based sexual violence comparable to hate crimes and calling for urgent responses from health and justice systems (PAHO, 2012).

Although these acts disproportionately affect LGBTIQ+ populations—and can also target cis-heterosexual individuals who do not conform to normative gender expectations<sup>2</sup>—they

2 In the African Commission on Human and Peoples’ Rights, Resolution 275 on the Protection Against Violence and Other Human Rights Violations Against Persons based on their Real or Imputed Sexual Orientation or Gender Identity, adopted at the 55th Ordinary Session, Luanda, Angola, 2014. This resolution is particularly relevant to understand how gendered violence may

maintain a distinctly gendered logic. From this perspective, the problem lies not only in the techniques employed but in the discriminatory logic that underpins them: physical or psychological suffering ceases to be a collateral consequence and instead becomes a tool for imposing conformity, punishing difference, and producing obedience (Trispiotis & Purshouse, 2022).

Epidemiological evidence confirms that such practices are far from isolated. According to the 2023 FRA LGBTIQ III Survey, included in *ILGA Europe’s Intersections 2.0 report*, nearly one quarter of LGBTIQ respondents across the European Union and associated countries reported having been exposed to some form of conversion practice, with trans, non-binary, and intersex persons being disproportionately affected (ILGA Europe, 2025).

In the case of homosexual men or people socialised as men, acts such as sodomy with objects, sticks, bottles, or canes, accompanied by humiliation and physical violence, function to associate homoerotic desire with pain, shame, and punishment. These acts symbolically strip victims of their humanity under the false idea that they lack masculinity (Fundación para la Confianza, 2021; International Rehabilitation Council for Torture Victims, 2020). In lesbian and bisexual women, as well as individuals socialised as women, violence frequently marks their bodies as territories to be corrected or domesticated, drawing on narratives such as “experiencing what is missing” or “becoming a woman” (Volcánicas, 2021).

Despite the procedural design of these interventions, their purported “therapeutic” status is often socially reinforced. Immediate social environments may validate the individual’s supposed “progress” and progressively integrate them into normative gender roles. This dynamic generates a false sense of acceptance while constraining self-determination and limiting individual agency.

In Mexico, empirical evidence likewise confirms the persistence of these practices. A national survey conducted by The Trevor Project México found that approximately one in five LGBTIQ youth reported having been threatened with or subjected to conversion practices, as well as they described informal efforts by family members to suppress or modify their identities (Rocha et al., 2024). Qualitative research further indicates that these interventions frequently involve physical, sexual, and psychological violence, often framed as therapeutic or moral correction (Andrade, 2021; Cuellar, 2023).

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arise not only from an individual’s self-identified gender or sexual orientation, but also from identities socially attributed or imputed to them. It is critical to underline how gender can be assigned and enforced through social perception regardless of whether the individual assumes that identity.

The use of EMDR (Eye Movement Desensitization and Reprocessing) has also been reported in this context (Castillo, 2019), raising concerns about the potential misuse of evidence-based psychotherapeutic techniques within conversion practices.

EMDR is widely recognised as an effective treatment for trauma and post-traumatic stress disorder (Bisson et al., 2013; Shapiro, 2018) and has led professional associations to explicitly reject its use in attempts to alter sexual orientation or gender identity (Piedfort Marin, Fernandez, & Miles, 2021). As discussed in the debate published in *Torture Journal*, the inclusion of EMDR in reports on conversion practices does not suggest that the method itself is inherently harmful, but rather highlights how established therapeutic approaches may be appropriated and applied in ways that violate ethical and scientific standards and human rights.

In such contexts, therapeutic tools may be redirected toward framing identity-related experiences as pathological behaviours, reinforcing associations of shame or distress, and shaping how individuals process and interpret memories and internal representations—particularly those involving ambiguous sexual content. These scenarios can encourage the association of core aspects of identity with emotional pain or guilt, potentially distorting subjective narratives and undermining psychological integrity.

The persistence of these practices has prompted increasing legal scrutiny in several jurisdictions. In recent years, a growing number of countries have adopted legislative bans or regulatory restrictions targeting conversion practices, particularly those affecting children and adolescents. National prohibitions have been enacted in jurisdictions such as Malta, Germany, France, Canada, and New Zealand; furthermore, other countries have introduced partial bans or professional disciplinary measures against practitioners (Mendos, 2020). Although these regulatory models differ in scope and enforcement mechanisms, their proliferation indicates an emerging normative consensus that such practices are incompatible with fundamental human rights protections.

### “Sexual conversion practices” as acts of torture

The previous sections examined the characteristics, contexts, and documented harms associated with sexual conversion practices. Building on that discussion, this section assesses whether such practices may meet the legal threshold of torture under international human rights law.

Rather than focusing on isolated acts, the current analysis considers the broader contexts in which these interventions are carried out, including the power relations between those

**Table 3.** *Strategies for establishing state involvement.*

Intervention level	Strategy purpose	Expected result	Suggested evidence
<b>Active participation*</b>	Establish the execution of one or more of the phases of the criminal dynamic—victim provision, execution of practice, and/or disposition of the results—by state agents.	<ul style="list-style-type: none"> <li>– The participation of state agents enabled the organisation, planning, and/or design of the “therapy.”</li> <li>– State agents intervened in the implementation of the practice</li> </ul>	<ul style="list-style-type: none"> <li>– Evidence of the crime</li> <li>– Victim testimony</li> <li>– Confessions of perpetrators</li> <li>– Job role analysis/ work orders</li> <li>– Identification of chains of command</li> <li>– Officer reports or minutes</li> <li>– Public and private video recordings</li> </ul>
<b>Simple acquiescence</b>	Establish the existence of state knowledge about the occurrence of the “therapies” and the refusal to take the necessary measures to stop them.	<ul style="list-style-type: none"> <li>– State agents failed to intervene to stop the “therapy” or prevent its implementation.</li> <li>– State agents failed to report or denounce the implementation of these practices.</li> </ul>	<ul style="list-style-type: none"> <li>– Complaints and administrative archives</li> <li>– Government, academic, or civil reports</li> <li>– Speeches by senior officials</li> <li>– Journalistic products</li> <li>– Network analysis and intelligence products</li> <li>– Evaluation of regulations and public policies</li> </ul>
<b>Acquiescence for lack of due diligence</b>	Establish that state agents engaged in actions or omissions that allowed the recidivism and/or evasion of justice of the responsible subjects	<p>Establish how public officials:</p> <ol style="list-style-type: none"> <li>1. Acted deficiently, recklessly, or negligently</li> <li>2. Failed to perform essential actions to prevent, punish, and remedy the crime, allowing those responsible to reoffend and/ or evade justice</li> </ol>	<ul style="list-style-type: none"> <li>– Criminal and contextual analysis</li> <li>– Government, academic, or civil society reports</li> <li>– Journalistic products that demonstrate institutional negligence</li> <li>– Critical evaluation of existing public regulations and policies</li> <li>– Administrative or criminal resolutions against public servants for omission, cover-up, or inaction</li> <li>– Recommendations from human rights organisations (national and international)</li> <li>– Reports and databases from civil society organisations</li> <li>– Command responsibility analysis</li> </ul>

\* Recent research provides data on the direct participation of state agents throughout the world (Madrigal, 2020), but even more so in Mexico (Kaos en la red, 2011; Méndez, 2013; CED 2022), Colombia (Volcánicas, 2021) and Chile (Ojeda, 2019).

involved, the forms of suffering inflicted, and the objectives pursued through these practices. This contextual perspective is particularly relevant in situations where harmful practices are embedded in institutional settings, moralising narratives, or relationships of authority and dependency.

The following subsections, therefore, examine how the constitutive elements commonly associated with torture - namely, the involvement of a qualified perpetrator, the infliction of severe physical or mental suffering, and the pursuit of a specific prohibited purpose - may manifest in the context of practices

aimed at modifying or suppressing sexual orientation or gender identity<sup>3</sup>.

#### *Qualified perpetrator*

The legal definition of torture requires the perpetrator to possess a qualification linked to the exercise of authority or pow-

3 This analysis does not assume that all manifestations of conversion practices automatically amount to torture. Rather, it examines whether the structural characteristics commonly documented in these practices may satisfy the constitutive elements of torture under international human rights law.”

er. In other words, torture does not occur in a social vacuum; it is typically associated with actors able to mobilise institutional authority, resources, or positions of control unavailable to ordinary individuals. The inclusion of this qualification reflects not only empirical reality but also legal reproach against the illegitimate use of State powers and resources, and the breach of the duty of guarantee imposed on public servants. This duty entails a special responsibility: authority and resources must serve to guarantee human rights, not violate them.

Yet, in cases of torture committed by private individuals, state involvement is not always immediately evident and requires careful analysis to identify the material and personal relationships through which torture is perpetrated, tolerated, or protected. Although motivations may be economic, social, political, moral, or religious, alignment with state agents often enables these practices to be planned, carried out, tolerated, and go unpunished<sup>4</sup>. This dynamic is observable in the Mexican context. During the 2022 visit of the United Nations Committee against Enforced Disappearances (CED), a pattern of enforced disappearances of LGBTIQ+ individuals was identified, committed by security forces or organised crime with varying levels of state involvement. These acts pursued “social cleansing” or sexual exploitation, often after internment in “conversion therapy centres” (CED, 2022)

Moreover, in Mexico, public funds have reportedly been diverted to civil associations that contribute to legitimising these sexual “re-education” spaces (Kaos en la red, 2011). This reveals a network of collaboration between authorities and private actors that not only enabled grave violations but also facilitated their cover-up and perpetuated impunity.

On the other hand, when state agents are not directly involved in the commission of the crime, they may still be implicated through the creation of impunity. This not only obstructs victims’ access to justice but also undermines the standard of non-repetition, creating a vicious cycle of victimisation and impunity. Acquiescence encompasses both direct complicity and situations of tolerance, negligence, or inaction that allow such practices to persist. Accordingly, state responsibility is not limited to prosecuting the material perpetrators but extends to the effective fulfilment of the duty of guarantee—that is, pre-

vention, investigation, sanction, and reparation of all forms of torture<sup>5</sup>.

The case *González y otras v. Mexico* (2009), known as ‘Campo Algodonero’, illustrates this relationship: although initial state failings might have appeared as mere omissions, the Inter-American Court of Human Rights (IACtHR) considered repeated institutional inefficacy, lack of adequate measures despite systematic violence patterns, and revictimization of families as forms of acquiescence. In this case, the prolonged absence of prevention, sanction, and reparation was not only negligence but also tacit acceptance of the femicide violence phenomenon (IACtHR, 2009). In this regard, three analytical strategies may help identify a qualified perpetrator (Table 3).

#### *The infliction of pain or suffering*

The second constitutive element of torture — the infliction of physical or mental pain or suffering — has been interpreted by courts not solely based on the intensity or visibility of the harm, but on its capacity to break the victim’s will, erode identity, and deeply and/or persistently affect the individual’s physical and psychological integrity. In various rulings, the IACtHR has recognised that suffering does not need to be extreme or leave visible marks to constitute torture, provided that it is intentionally inflicted within asymmetric contexts and inflicts physical or mental suffering, often accompanied by significant psychological and social consequences (*Cantoral Benavides v. Peru*, 2000; *Bueno Alves v. Argentina*, 2007).

Thus, torture has been understood to include not only direct physical punishment but also practices such as prolonged isolation, exposure to degrading conditions (*Tibi v. Ecuador*, 2004; *Cusuick*, 2006; *Chornik*, 2018), spiritual coercion (*Comunidad Garífuna de San Juan y sus miembros v. Honduras*, 2015), and emotional manipulation through threats, humiliation, or psychological pressure (*Favela Nova Brasília v. Brazil*, 2017). In line with this, reparations mechanisms have emphasised that the harmful character is identified not only by immediate visibility or effect but also by its sustained presence over time and space and in its impact on functional and supportive mechanisms (*Kaur et al.*, 2020), as well as on parallel complex processes such as life planning, group or community belonging, and social performance (IACtHR, 1999).

<sup>4</sup> Within this framework *Alekseyev v. Russia*, the European Court of Human Rights rejected restrictions grounded in moral disapproval of homosexuality and emphasized that differential treatment based on sexual orientation reflects socially constructed expectations about gender and sexuality rather than objective harm (ECHR, 2010).

<sup>5</sup> In the cases of *Velásquez Rodríguez* (1988) and *Godínez Cruz* (1989) vs. Honduras, the IACtHR has held that the essential thing is not the motivation of the agent, but rather determining whether the act occurred with the support or tolerance of the public authority, or whether the latter acted in such a way that the transgression was committed in the absence of any prevention or with impunity.

These elements are also shared by sexual practices, which, rather than isolated acts, operate as structured and sustained interventions aimed at producing forms of heterosexualisation and cisnormativity. Through a combination of psycho-emotional pressure, moral and religious discourses, and practices that regulate behaviour and subjectivity, these processes seek to reshape how individuals understand and experience their own identities and desires (Rodriguez, 2022; Salazar, 2022). In many cases, they involve dynamics of control, coercion and symbolic or psychological violence that generate distress and disrupt the individual’s sense of self and dignity.

In their bodily dimension, beyond transgressing bodily structure and presentation, these procedures affect delicately regulated physiological systems. The repeated application of aversive stimuli — such as prolonged exposure to electric shocks, extreme temperatures, food restrictions, immobilisation, or unnecessary substances — can disrupt basic endocrine, nervous, or immune system functions (Matson & Taras, 1989; Moreno & Grodin, 2002; Carpenter, 2016), impacting normal daily activities. Particularly when these interventions occur in developing people, such as children and adolescents, or within contexts of isolation, confinement, or emotional coercion. Their effects extend beyond the moment of application and tend to coexist with other signs compromising existence and, consequently, personal and collective well-being (Knox, 2014; Inter et al., 2018).

Psychologically, interventions are often structured as a process of substituting the internal system of values, desires, and expectations (Haldeman, 1994). This process promotes the introjection of a normative identity model imposed over previous ways of experiencing and naming oneself, producing anguish, suffering, hopelessness, and helplessness in the face of perceived non-conformity with what is considered “normal.” In this regard, these dynamics generate or induce internal contradictions, disrupt emotional bonds, and hinder the consolidation of a coherent narrative about one’s own experience, sometimes preventing victims from naming their experience as violence, instead categorising it as “legitimate punishment.” This blocks the process of recognising oneself as a victim by preventing recognition as a holder of violated rights, limiting the possibility of seeking help, demanding justice, or repairing the harm suffered (Martorell, 1995).

When these dynamics spread out over time or are applied during moments of vulnerability — for example, after forced disclosure of sexual orientation, in situations of loss or emotional dependency, or during spiritual crises — the consequences may extend beyond the subjective sphere, tending to reorganise the individual’s relationship with their environment

(Beckstead, 2012; Tozer & Hayes, 2004). The deterioration of self-determination does not occur abruptly but results from accumulated wear, repeated invalidation, and progressive erosion of personal judgment. The individual loses trust in their perception, doubts their emotions, and begins to operate under a logic of obedience, self-censorship, or sacrifice. In some cases, this is accompanied by self-punishment, forced celibacy, or the adoption of social roles as survival strategies.

Socially, the discussed practices do not only seek to “correct” visible behaviours but also aim to dismantle the possibility of acting outside imposed demands and parameters, as well as to imagine alternative ways of living. This generates a displacement of subjectivity towards modes of existence marked by surveillance, suspicion, and self-monitoring (Foucault, 1975/2002; Butler, 2004). These practices may significantly restrict perceived life possibilities, while construing desire itself as a source of danger or deviance (Ojeda, 2019).

#### *The specific purpose*

The specific purpose, also referred to as the teleological element, denotes the instrumental use of suffering, namely, whether it is inflicted to obtain a determinate result (Ulloa & Araya, 2016). Its analytical value lies in assessing whether the act is oriented toward a particular outcome and which actions, resources, and conditions were mobilised to achieve it. The specific purpose shifts the focus from the perpetrator’s subjective will to the conduct’s contextual and functional dimensions. This gives rise to the longstanding debates on the relative weight of *dolus* (individual intent) and specific purpose (Association for the Prevention of Torture, 2001; Mendiola, 2020).

Accordingly, a distinction must be drawn between an individual actor’s intent and the broader structural or institutional purpose of the act. Whereas *dolus* concerns the immediate mental state and volition of a particular actor—and may be obscured by assertions of ignorance, benevolence, therapeutic motivation or purported good faith—the analysis of specific purpose enables a more objective reconstruction of the instrumental logic of the practice. Rather than inquiring whether a perpetrator “intended to cause harm,” this approach examines how the practice is designed, organised, implemented, and legitimised to produce a defined outcome. It further considers how particular methods, procedures, or interventions are selected and deployed because of their effects—whether direct, indirect, cumulative, or embedded within ostensibly legitimate institutional or ‘therapeutic’ frameworks

This distinction is particularly relevant in contexts where harmful practices are carried out under claims of benevolence, care, or “therapeutic” or “corrective” purposes. In such instanc-

es, to rely solely upon the perpetrator’s purported intent risks disregarding the underlying operative logic of the conduct in question. The analysis of specific purpose spotlights on how the practice operates through specific modalities, techniques, or procedures whose harmful effects may be concealed, normalised, or instrumentalised. Accordingly, even where suffering is framed as beneficial or necessary, the relevant question is whether the conduct is organised and deployed as a means to modify, suppress, or control the individual’s identity or behaviour. As Ilias Trispiotis and Craig Purshouse observe, the purposive element of torture may therefore be present even where perpetrators claim to act out of “love,” “faith,” or “therapy” (2022).

This reconstruction may be carried out through three inter-related dimensions: the available evidence (testimonies, documents, expert reports, material records); the sociocultural and normative context (including justificatory or moralising discourses); and the power relations among the parties involved (conditions of subordination, coercion, or dependency).

From this perspective, the relevant question is not merely whether harm occurred, but if such harm was functionally oriented toward producing a specific outcome. Consequently, these practices are structured around a shared teleological logic: suffering is neither incidental nor excessive, but rather instrumentally deployed to modify, suppress, or control the individual’s identity and behaviour. For instance, this teleological orientation does not depend on the actual attainability or scientific validity of the intended outcome. Although the purported objectives—such as the “conversion” of sexual orientation or gender identity—are unattainable, they operate as structuring ends that guide the selection of methods, legitimise the intervention, and sustain the practice over time.

Within this framework, references to correcting, punishing, disciplining, or “normalising” sexual orientation or gender identity do not merely describe justificatory narratives, but rather reveal the underlying purposes that organise the infliction of suffering. This is especially relevant in cases of structural or institutional violence that operates systematically or targets historically marginalised groups. In particular, when it is articulated through narratives of care, correction, or protection.

Rather than being selected deductively, the four identified ‘purposes’ below emerge inductively from the empirical literature on conversion practices in Latin America. In several ethnographic, testimonial, and qualitative studies conducted in Mexico, Chile, Colombia, and Costa Rica, these practices consistently appear as mechanisms aimed at reshaping sexual orientation and gender identity in accordance with heterosexual and cisgender norms, disciplining or punishing those who

depart from such norms. This subjects individuals to unwanted therapeutic, religious, or medical interventions, and reinforces broader systems of stigma, family control, and social exclusion (Bañuelos, 2017; Castillo, 2019; Ojeda, 2019; Rodríguez, 2022; Salazar, 2022). Although survivors describe a wide range of experiences, the literature reveals that these practices are highly consistent in the forms of transformation they seek to impose and in the social functions they perform. The purposes identified in the following section, therefore, do not constitute arbitrary analytical categories, but rather synthesise the recurring patterns through which suffering is intentionally organised and deployed in conversion practices.

Accordingly, the following section identifies four specific purposes that reflect this teleological structure. These purposes are analytically distinct, though not mutually exclusive, and may converge within a single practice (Table 4):

### *I. Nullifying the personality*

As discussed in the preceding section, sexual conversion practices deploy a repertoire of psychological and social mechanisms designed to substantially alter a person’s internal structure. It is not simply a matter of intervening in a behaviour or a thought structure: in many cases, the goal is to completely reconfigure the way a person perceives themselves, names themselves, and relates to the world (personality). In this sense, these interventions often take the form of prolonged programmes of moral, emotional, and affective “re-education,” where symbolic authority (religious, medical, parental, or therapeutic) is combined with devices for controlling thought, expression, and desire.

Those who implement these interventions often occupy a hierarchical position relative to the victim: they are trusted figures, spiritual guardians, parents, psychologists, or community leaders. This allows them to maintain relationships of dependency and surveillance, reinforcing the narrative that the victim’s sexual orientation or gender identity must be corrected or expelled. In this context, methods such as continuous surveillance, humiliation, public exposure, spiritual coercion, or the induction of alternatives that violate emotional autonomy are employed.

### *II. Infliction of personal punishment*

Unlike the preceding purpose, the objective here is to compel the victim to repudiate their identity and to be intimidated or silenced through exemplary harm, thereby delineating what is construed as deviation. This form of punishment typically emerges when other mechanisms of control have been exhausted or when perpetrators seek to reassert dominance over the victim, which helps explain the recurrent presence of extreme cruelty.

In women, the so-called “corrective” rapes have been documented as punitive responses to the expression of a non-heterosexual sexual orientation, whereby sexual violence is deployed to re-shape subjectivity through trauma and enforced subordination. In men, punishment is frequently inflicted through forced penetration with objects, involving not only intensified physical suffering but also the instrumentalisation of the body as a site of humiliation, degradation, and domination.

The suffering imposed seeks to generate aversion toward one’s gender identity or expression and, in certain cases, to incapacitate the person’s ability to sustain it physically, psychologically, or socially. Within this logic of personal punishment, violence functions to compel the victim to renounce their identity and to establish, through exemplary harm, which forms of being and ways of expression are deemed unacceptable within a given normative order. This punitive purpose has been recognised in torture jurisprudence, where the aim is to communi-

**Table 4.** *Strategies for establishing “specific purpose”.*

Purposes	Strategy purpose	Evidentiary objectives	Suggested evidence
<b>Nullifying the personality</b>	Identify and explain the mechanism through which the practice seeks to re-configure the victim’s identity, self-perception, and autonomy.	<ol style="list-style-type: none"> <li>1. Identifying the coercive mechanism involved (physical, psychological, or social)</li> <li>2. Determining the participation scheme of those responsible</li> <li>3. Documenting the specific impacts on the victim’s physical and psychological integrity</li> <li>4. Recognising conditions of vulnerability, dependency, or structural disadvantage in relation to the mechanism</li> <li>5. Establishing the causal nexus between the acts and the resulting harm.</li> </ol>	<ul style="list-style-type: none"> <li>– Testimonies describing patterns of coercion, isolation, and subjection (physical, psychological, social, or economic)</li> <li>– Records of surveillance, humiliation, public exposure, or enforced testimonial practices (e.g., compelled ‘missionary’ or ‘testimony-sharing’ activities portraying ‘recovery’ or ‘overcoming’)</li> <li>– Expert reports on forensic medicine, psychology, psychiatry and/or social work</li> <li>– Institutional or religious materials promoting identity suppression, pathologisation or behaviour-modification treatment</li> <li>– Documentation of changes in lifestyle and personal, physiological, educational and social functioning</li> <li>– Sociocultural reports of symbolic dimensions of the violence</li> </ul>
<b>Infliction of personal punishment</b>	Identify acts of violence intended to discipline, intimidate, or compel the victim, or their community, to renounce their identity through exemplary harm.	<ol style="list-style-type: none"> <li>1. Identification of physical and/or psychological injuries that partially or totally impair functions or capacities relevant to the development or expression of the individual’s sexuality</li> <li>2. Demonstrate the excessive or disproportionate use of physical and/or psychological force</li> <li>3. To identify the dynamics and modalities through which force is applied (repetition, intensity, and context)</li> <li>4. Determine whether the acts involved elements of ritualisation, escalation, or humiliation in the infliction of violence</li> </ol>	<ul style="list-style-type: none"> <li>– Testimonies of sexualized violence</li> <li>– Medical reports of injuries in genital or para-genital areas</li> <li>– Psychological and psychiatric reports documenting partial or total rejection of the individual’s sexual identity or expression</li> <li>– Audio-visual material or communications documenting the frequency or pattern of acts</li> <li>– Evidence of forced participation in acts intended to shame or expose the victim</li> <li>– Contextual or discursive evidence reflecting narratives of punishment, correction, or normalisation</li> <li>– Sociocultural reports of symbolic violence</li> </ul>

**Table 4.** (*continuation*)

<b>Non-consensual medical or scientific procedures</b>	Determine whether the intervention lacked prior, informed, voluntary, and specific consent, considering conditions of coercion or dependency.	<ol style="list-style-type: none"> <li>1. Document the absence of a valid medical, scientific, or therapeutic justification for the procedure</li> <li>2. Establish that the interventions are harmful and/or lack effectiveness, based on available scientific or clinical evidence</li> <li>3. Identify personal and contextual conditions that vitiate or invalidate consent:               <ol style="list-style-type: none"> <li>a. consent based on incomplete, biased, or absent information;</li> <li>b. consent provided under coercion, pressure, or undue influence; and</li> <li>c. consent provided without the effective participation of the victim.</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>– Consent forms lacking adequate information, including cases where consent was provided exclusively by third parties (e.g., parents, guardians, or institutions) without the informed and effective participation of the victim</li> <li>– Testimonies of coercion or pressure</li> <li>– Evidence of dependency relationships (family, financial, institutional);</li> <li>– Medical records of procedures and the absence of diagnostic criteria</li> <li>– Clinical guidelines and position statements from professional medical and psychological associations rejecting the validity of such interventions</li> <li>– Medical, psychological, psychiatric and psychosocial reports evidencing adverse effects (e.g., distress, anxiety, depression, identity conflict)</li> <li>– Communications (messages, recordings) reflecting coercion, persuasion, or moral pressure</li> <li>– Forensic indicators of hesitation or inconsistency in the victim’s signatures or written authorisations</li> </ul>
<b>Discrimination-based motivation</b>	Analyse whether the practice targets individuals based on sexual orientation, gender identity, or expression within a broader context of structural discrimination.	Establish that the violence is rooted in discriminatory norms, values or ideas, and aims to enforce conformity with dominant gender and sexuality standards.	<ul style="list-style-type: none"> <li>– Victimological profiling indicating targeting based on sexual orientation, gender identity, or expression</li> <li>– Discriminatory or stigmatising discourses identified in testimonies, communications, or institutional materials</li> <li>– Statistical analyses evidencing disproportionate impact on specific groups</li> <li>– Records or evidence of institutional violence</li> <li>– Link analysis of institutions and offenders</li> </ul>

cate that certain identities or modes of expression are impermissible, as illustrated by *Azul Rojas Marín v. Peru* (2020).<sup>6</sup> Although this case does not concern conversion practices as

such, it illustrates how violence motivated by sexual orientation or gender identity operates as a mechanism of prohibition, negation, and suppression directed at the person as such.

In these contexts, sexualized violence operates not merely as physical aggression but as a symbolic intervention over the body, oriented toward severing the association between identity and pleasure and transforming what is perceived as transgressive into a source of fear, shame, or aversion. Punishment thus aims to injure as well as to restructure the victim’s relation to desire, discouraging engagement in practices, spaces, and

<sup>6</sup> In this case, the Inter-American Court of Human Rights found that the victim had been subjected to torture by police officers who detained and assaulted her because of her perceived sexual orientation and gender expression. The Court concluded that the sexual violence inflicted—forced anal penetration with a police baton—had a discriminatory and punitive character, aimed at sanctioning the victim for deviating from normative gender expectations (IACtHR, 2020)

relationships associated with it, and reinforcing hierarchies of gender and sexuality through the infliction of suffering.

### III. *Non-consensual medical or scientific procedures*

This purpose lies in the use of medical or scientific frameworks to assert control over the body and mind, legitimising interventions aimed at modifying, suppressing, or regulating sexual orientation or gender identity. Under these circumstances, non-consensual procedures are not merely a mode of conduct, but part of a broader teleological structure in which technical authority is mobilized to produce a defined outcome. In particular this occurs in contexts where individuals lack sufficient agency, awareness, or decision-making capacity, due to age or their educational and sociocultural context.

Within this framework, prior, voluntary, informed, and specific authorization constitutes an essential ethical and legal safeguard, intended to protect the integrity and dignity of individuals against the power that technical knowledge exerts over their bodies. The absence of opposition or formal consent is not sufficient: the individual must fully understand the risks, alternatives, and consequences of the procedure and must make the decision without external coercion or undue pressure - that is, freely.

This standard becomes unattainable in contexts where the emotional, economic, or institutional environment operates as a conditioning factor. In conversion practices, for example, many individuals are brought by relatives or authority figures on whom they depend materially, socially, or emotionally - often because they are minors - and whose support is made conditional upon the renouncement of their sexual orientation or gender identity. In such circumstances, even where consent appears to be formally expressed, the individual's will be effectively overridden by fear of rejection, exclusion, symbolic violence, or abandonment.

These dynamics are further exacerbated when procedures involve invasive interventions such as the administration of hormones, drugs, or irreversible surgical procedures, often supported solely by the authority of medical personnel, family members, or moral frameworks. This is particularly evident in interventions performed on children and adolescents with non-pathological genital or hormonal variations, where no medical urgency exists, yet procedures are carried out to impose binary norms of corporality. By failing to recognise their evolving autonomy or ensure their meaningful participation in decision-making processes, such practices essentially instrumentalise their bodies in the name of a form of knowledge that operates beyond ethical principles and legal limits.

### IV. *Discriminatory motivation*

In these contexts, discrimination operates not only as a background condition but also as a specific purpose, insofar as the infliction of harm is directed at enforcing, reproducing, or restoring normative expectations regarding sexuality and gender.

The Inter-American Court of Human Rights has emphasised that discrimination does not necessarily require an explicit intention to be established; it is sufficient that a measure or practice produces unequal effects or perpetuates situations of structural exclusion (judgments *Atala Riffó e hijas v. Chile*, 2012; *González y otras v. Mexico*, 2009). This approach underscores that discriminatory practices may operate through institutional tolerance, cultural narratives, or entrenched social hierarchies that normalise unequal treatment toward certain groups<sup>7</sup>.

In a similar vein, the United Nations Committee against Torture (CAT) has stressed that gender is a fundamental factor in understanding the risk and manifestation of torture and ill-treatment. In its *General Comment No. 2 of the Committee Against Torture (CAT)*, the Committee notes that gender often intersects with other characteristics—such as race, nationality, religion, sexual orientation, age, or migration status—to shape the ways in which individuals experience or are exposed to violations of the Convention. It should be noted that, the Committee also recognizes that both men and women may suffer acts prohibited under the Convention when they are targeted because of their real or perceived non-conformity with socially prescribed gender roles (United Nations Committee against Torture, 2008, para. 22). In this light, violence directed at individuals based on their sexual orientation or gender identity may reflect broader mechanisms of punishment or correction aimed at enforcing normative expectations regarding sexuality and gender expression.

In the case of 'sexual conversion practices', this logic is often at the very core of the procedure: the intervention is targeted at a specific group of people—those who express a dissident experience of sexuality. This restriction, when based on structural prejudices, not only violates the principle of equality and non-discrimination but also allows these practices to be understood as acts whose rationale goes beyond the medical or psy-

<sup>7</sup> See, for example, European Court of Human Rights (ECHR), *Identoba and Others v. Georgia*, where the Court found violations of Articles 3 and 14 of the European Convention in relation to homophobic violence against participants in a peaceful assembly. See also *Alekseyev v. Russia*, nos. 4916/07, 25924/08 and 14599/09, Judgment of 21 October 2010, concerning discriminatory restrictions on LGBTQ+ public expression (ECHR, 2010, 2015)

chological level and is rooted in ideologies that seek to correct, punish, or render diversity invisible.

Therefore, even when the consent or will of the person undergoing treatment is claimed, it is essential to investigate the sociocultural context, the symbolic and factual power of those offering these 'practices' and the conditions under which they are carried out. To support this hypothesis, it is necessary to identify the victimisation pattern, as well as the discourses or narratives used to legitimise the "practices," and to point out—particularly in the case of those framed in legal or scientific terms—their lack of validity. In this regard, thematic analysis may help identify the use of offensive or stigmatising language directed at the LGBTIQ+ population, as well as situations involving power asymmetries or hierarchical relationships.

### Conclusions

Understanding sexual conversion practices as acts of torture allows for the recognition of these practices as systematic expressions of structural violence, rather than isolated incidents. This categorisation arises not only from identifying how such practices operate within institutional, symbolic, and social frameworks designed to suppress or eradicate central aspects of sexual and gender identity, but also from the materialisation of corrective logics that employ suffering as a punitive, corrective, and discriminatory tool.

Given the limited theorization regarding the core elements of torture, exploring sexual conversion practices as torture offers an opportunity to resolve debates about the centrality of specific purpose versus the perpetrator's intent (*dolus*). This approach enables the identification of elements, relationships, and conditions that reveal the forms and mechanisms through which pain and suffering are instrumentally inflicted, even when operating under discourses of care, correction, or security. It also contributes to ongoing discussions and theoretical development regarding the scope and application of the legal definition of torture, ensuring its continued sensitivity to evolving social realities.

Recognising these practices as torture is not a rhetorical exaggeration but a legal, epistemic, and ethical necessity. It reflects the lived realities of survivors, many of whom endured these practices under the tolerance, or complicity, of institutions responsible for their protection. Moving forward, it is imperative to deepen research, foster interdisciplinary dialogue, and advocate to refine legal definitions, close protection gaps, and ensure that prevention, sanctions, and reparations adequately address the harms inflicted.

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Submitted 13th of August 2025

Accepted 6th of May 2026