



**Submission to the Standing Committee on Justice and Human Rights
by the Canadian Conference of Catholic Bishops
on Bill C-6, ‘An Act to Amend the Criminal Code (conversion therapy)’**

Introduction

The Catholic Church, like many Canadians, is opposed to all forms of coercive and manipulative activities because they do not respect the sacred dignity of the human person and the freedoms inherent with that dignity. The protection of vulnerable Canadians from harmful acts is a necessary and important goal and one which the Bishops irrevocably support. However, upon careful reading of Bill C-6, after discussions with professional associations and other faith groups and in consultation with legal experts, it is apparent that Bill C-6 has some serious lacunae and shortcomings in its present form. It is generic in its scope and ambiguous in its language, and thus its application could be overextended and interpreted to include what are and should remain lawful activities. This is mainly because of its problematic definition of conversion therapy which reads: “a practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour.”¹

Actions now lawful could be subject to the Criminal Code

In the Bill’s current form, a range of activity and well-intended actions, hitherto legitimate and lawful, that are also beneficial goals in support of individuals, could become subject to prosecution under the Criminal Code, despite the apparent claims to the contrary on the website of the Department of Justice.² Without attempting to provide an exhaustive list, the following are among the serious concerns that need to be addressed through further discussion, consultation and democratic debate:

¹ On 1 October 2020, the Federal Government tabled Bill C-6, *An Act to Amend the Criminal Code (conversion therapy)*. This Bill is identical to Bill C-8 that was introduced 9 March 2020 and which the Canadian Conference of Catholic Bishops (CCCB) had already studied carefully. Bill C-6 goes on to state that the definition does not include “a practice, treatment or service that relates (a) to a person’s gender transition; or (b) to a person’s exploration of their identity or to its development.”

² These claims are also often repeated by media. For example, while not included in the wording of the Bill, the Department of Justice states in its news release on the legislation, *Federal Government reintroduces legislation to criminalize conversion therapy-related conduct in Canada*: “These new offences would not apply to those who provide support to persons questioning their sexual orientation, sexual feelings or gender identity (such as teachers, school counsellors, pastoral counsellors, faith leaders, doctors, mental health professionals, friends or family members).”

<https://www.canada.ca/en/departement-justice/news/2020/09/federal-government-reintroduces-legislation-to-criminalize-conversion-therapy-related-conduct-in-canada.html>

- The Bill makes no provision for legitimate diversity concerning viewpoints on human sexuality arising from religious beliefs, from philosophical debate, or from scientific and medical study; nor does it make any provision for conscientious dissent related to such matters in forums of teaching or public presentations.
- There is the possibility that within families, private conversations between parents and their children on matters of human sexuality will be deemed public and subject to criminal prosecution – which in turn raises serious questions regarding the legitimacy of government surveillance, professional confidentiality, and infringement of privacy. As principal educators of their children, parents have a right to raise them in accordance with their legitimate and ethical religious beliefs. Any state intervention should not override the primary parental right to care for their children and make decisions for their well-being.
- There is a real danger that Christian and other religious and ethical teaching with respect to human sexuality would be interpreted as criminal acts.
- The Bill could even criminalize Catholic ministries and groups, religious leaders, or pastors who encourage individuals with same-sex attraction to live chastely and in conformity with the teachings of the Gospel, the moral principles of the Catholic Church, and the dictates of their own conscience.
- The Bill’s current wording can also be interpreted as compelling competent professionals, including psychiatrists, psychologists, other medical practitioners and social workers to withhold legitimate services and, as a corollary, prevent their patients or clients from accessing necessary medical treatment. For example, trans- gender persons who freely wish to de-transition could be unable to access the necessary professional assistance to explore this option. Similarly, medical practitioners could be inhibited from advocating a prudent and professionally supported approach towards young children with gender dysphoria.
- The Bill would appear to set arbitrary restrictions on available treatment options in a clinical setting as per the ambiguous wording found therein: “repress or reduce non- heterosexual attraction or sexual behaviour”.
- The Bill, drafted broadly in its current form and wording, would infringe on the jurisdiction of provincial regulatory Colleges with respect to what constitutes appropriate medical or psychological treatment.
- Bill C-6’s prohibition of any “*treatment . . . to . . . reduce non-heterosexual attraction or sexual behaviour*” could potentially have serious consequences for the ongoing efforts in clinical counselling to address various forms of destructive sexual behaviour.

The problematic lack of clarity between government assurances and the Bill’s wording

The Department of Justice website appears to envision a somewhat narrower application of this proposed law.³ The official news release states: “These new offences would not apply to those who provide support to persons questioning their sexual orientation, sexual feelings or gender identity (such as teachers, school counsellors, pastoral counsellors, faith leaders, doctors, mental health professionals, friends or family members).” It remains ambiguous and unclear as to

³ News release, 1 October 2020, *Federal Government reintroduces legislation to criminalize conversion therapy-related conduct in Canada*.

<https://www.canada.ca/en/department-justice/news/2020/09/federal-government-reintroduces-legislation-to-criminalize-conversion-therapy-related-conduct-in-canada.html>

whether the kind of “support” invoked in the news release would even allow for the moral teachings of the Catholic Church to be presented as an alternative moral approach and vision of the human person and human sexuality. However, if the intent of the Bill is not to restrict such teachings from being presented by whomever, including parents, then this protection is absent from the Bill’s wording.

Bill C-6 contains broad and overreaching language with no explicit exceptions that would protect freedom of conscience, religion, or expression as guaranteed by section 2 of the *Charter of Rights and Freedoms*. There remains, then, a wide and very disconcerting ambiguity and a lack of clarity and transparency between the explanation of the Bill’s apparent scope in the Department of Justice’s official news release and what lawful activity might become prosecutable in a criminal court based on the actual and ambiguous wording of the Bill if it passes into law.

Threats to freedom of religion and conscience, to the rights of the family and to society

From a Catholic perspective and its teaching on religious freedom, every person is to “*be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.*”⁴ Thus regarding “conversion therapy”, the Catholic Bishops of Canada are opposed to any coercive behaviour which seeks to manipulate or endanger the free will of the human person. Only in freedom can a person choose to love or to enter into a life-changing relationship with God or with others, in meaningful and authentically human ways that respects the inherent dignity of the human person. The Catholic Bishops are deeply saddened that individuals have suffered at the hands of any groups or communities that have undertaken actions which undermined the free-will of the human person. It is the desire of the Church to accompany, guide and walk with all persons and to offer them pathways of healing which are respectful of their conscience, faith and religious beliefs.

In that same spirit of serving humanity and inspired by the leadership and the teaching office of Pope Francis, the CCCB also wishes to note, clearly and respectfully, the complexities and the dangers of current ideologies and practices which it deems disrespectful and harmful to individuals, families and communities. At the same time, we acknowledge the societal benefits that come with human sexuality being lived and expressed in a responsible, ethical and integral manner. In the Pope’s own words:

Yet another challenge is posed by the various forms of an ideology of gender that ‘denies the difference and reciprocity in nature of a man and a woman and envisages a society without sexual differences, thereby eliminating the anthropological basis of the family. This ideology leads to educational programs and legislative enactments that promote a personal identity and emotional

⁴ Second Vatican Council, *Dignitatis Humanae*, Declaration on Religious Freedom -- On the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious, no. 22, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

intimacy radically separated from the biological difference between male and female. Consequently, human identity becomes the choice of the individual, one which can also change over time.’ It is a source of concern that some ideologies of this sort, which seek to respond to what are at times understandable aspirations, manage to assert themselves as absolute and unquestionable, even dictating how children should be raised.⁵

Conclusion

There are numerous persons who, honestly and seriously, and often with pain and confusion, question their sexual feelings and/or gender identity. The fact that there are caring parents and other loving adults in their lives, including the Church’s outreach, to accompany them by means of uplifting and supporting counseling and spiritual encouragement in a safe and friendly setting of trust, is a good thing and one of which no individual ought to be deprived. Respect for an individual’s legitimate self-questioning and the promotion of greater self-awareness and emotional and spiritual freedom and serenity constitutes a goal that we pursue with compassion for all. It is our experience that all human beings, regardless of sexual orientation, inclination, behaviour, or faith commitments, long most profoundly to live in peace of mind and heart, with purpose and meaning. For many, this path is likewise marked by professing religious faith and freely living out core values stemming from their faith tradition. No one ought to lack in the help which is needed for such persons who often suffer terribly, feel isolated and forgotten.

In outlining some of the serious problems presented by the wording of Bill C-6, we believe it is of the utmost importance that the Government re-examine the Bill with a view to assuring that the appropriate and indeed necessary amendments be considered and undertaken. This ought to be done in a spirit of true dialogue with faith communities, as well as with a broad range of healthcare professionals, social workers and legal experts across the country. We conclude by reiterating the commendable purpose of the Bill in as much as it intends to prohibit coercive actions against the inherent dignity of any person; however, the lacunae, ambiguities in language and the potential overreach in its application to current lawful activities are regrettably present and thus need to be addressed.

With this Submission, the Catholic Church, in truth and charity, remains open to dialogue with all members of society and desires to advance the fulfilment of every human person and the common good for all people in our country.

19 November 2020

*The Canadian Conference of Catholic Bishops is
the national assembly of the Catholic Bishops of Canada.*

⁵ Pope Francis, Post-Synodal Apostolic Exhortation *Amoris Laetitia*, On Love in the Family, no. 56, http://www.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf