

**House of Commons**  
**Standing Committee on Justice and Human Rights**

**Federal Bill C-6**  
**An Act to Amend the Criminal Code (Conversion Therapy)**

**A Brief Submitted by**  
**Concerned Citizens of British Columbia**

## OVERVIEW

Most Canadians are opposed to coercive, non-consensual attempts “to change a person’s sexual orientation ... or gender identity” (Bill C-6, “Definition of Conversion Therapy,” 320.101). However, most of us also believe that our government should base legislation on a complete understanding of a particular subject, as well as on consideration of the constitutionally protected plural nature of Canadian society in terms of belief and practice. Bill C-6 does neither of these. Consequently, it introduces in an overly simplistic manner the subject of “identity,” and what “changes” to identity involve, and then proceeds to instruct Canadians on what *must* be done on this basis. In doing so it entirely ignores well-grounded, alternative views concerning substantial aspects of the matter, at the same time displaying a notable lack of respect for beliefs and practices shared by many Canadians. The result is a Bill that sets out to protect the rights and freedoms of some Canadians, but ends up by seriously and unnecessarily infringing the rights and freedoms of others.

For a full version of the argument presented in this brief overview, readers should refer to the following paper (containing voluminous footnotes) that can be found at the Concerned Citizens of BC website ([concerned.ca](http://concerned.ca)): “Federal BILL C-6: A Detailed Response.”

## **MAIN CONCERNS**

- 1) The foundation upon which Bill C-6 rests is ultimately the assertion that “conversion therapy causes harm to society because, among other things, it is based on and propagates myths and stereotypes about sexual orientation and gender identity, including the myth that a person’s sexual orientation and gender identity can and ought to be changed” (Bill C-6, “Preamble”). It is not in fact true, however, that human “identity” is fundamentally an internal, fixed entity within the body that individuals are capable of discovering and naming by empirical means—and that once discovered cannot be changed, but must be pursued without consideration of other factors (such as a person’s convictions or broader interests). Specifically, sexual orientation and gender identity (as a matter of fact) are not necessarily any more stable over time than any other aspect of human identity. Human identity is not simply “there.” This idea is itself “a myth.”
  
- 2) This myth then provides the basis for the Bill’s strong opposition to conversion therapy—“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 nonheterosexual attraction or sexual behaviour” (Bill C-6, “Definition”). The Preamble has already told us that attempts to change, repress, or reduce along such lines—whether or not consent has been given — causes “harm to the persons, and in particular the children, who are subjected to it.” The empirical evidence does not support the view, however, that all help that consenting individuals might seek in respect of their sexual behaviours or gender identity, by way of activities like counselling, is necessarily or even normally harmful to those individuals. This includes children. Indeed, in the case of children suffering from gender dysphoria, it has been known for some time that with appropriate support and counselling only a small number will continue to display symptoms in

later life. Empirical evidence suggests that these counselling and support efforts have been far from “damaging” to the children concerned.

- 3) Various aspects of Bill C-6 would curtail the freedom of Canadians to act in ways that embody dissent from the questionable assertions that lie at its heart. This is certainly true of the announcement that any “practice, treatment or service designed to ... repress or reduce nonheterosexual attraction or sexual behaviour” constitutes conversion therapy (Bill C-6, “Definition”). Much depends here on what is included under the rubric of “practice, treatment or service,” but the Bill itself is unfortunately not specific in this regard. In spite of what has often been claimed in public commentary on Bill C-6 over the past few months, this non-specificity in the written text *does* leave open the possibility that (for example) parents going about their ordinary business of raising children in accordance with what are nowadays often called “traditional values” could fall foul of Canadian *criminal* law. It also *does* leave open the possibility that (for example) religious leaders could be charged for urging their communities of faith to abide by ethical norms intrinsically bound up with their religious beliefs.
- 4) Bill C-6 effectively prohibits even mature minors from making certain kinds of choices. The exemptions in the Bill suggest that young teenagers in pursuit of “gender transition” are old enough to consent to the consumption of puberty-blockers whose full risks are unknown, cross-sex hormones possessing significant health risks, and irreversible surgeries that will by no means guarantee the disappearance of the gender dysphoria first diagnosed, nor improve the person’s happiness in general. However, the same Bill provides that the same mature minors are not old enough to consent to counselling to help them live at peace with the bodies with which they were born. The moral logic of this position is entirely unclear.

- 5) The Bill would even prevent well-educated adults, fully aware of their equality rights and feeling no external compulsion whatsoever, from having the opportunity to see an advertisement for a voluntary, opt-in mutual support group. It would further remove from them the opportunity to pay a modest fee to a facilitator of such a group, if they were freely to choose (for example) to seek, together with others of like mind, to “reduce nonheterosexual ... sexual behaviour.” Adult Canadians who experience a dissonance between ethical or religious convictions on the one hand, and matters of sexuality and gender on the other, should be free to explore these matters with others of their choosing.
- 6) Bill C-6 as currently drafted would put at risk health professionals pursuing long-established practice in dealing with gender dysphoria, not only of the loss of their professional licenses by way of regulatory college malpractice/unprofessional conduct proceedings, but of criminal prosecution. It would require health professionals, in fact, to accept at face value a particular claim about gender identity made by even a quite young individual—as an objective, fixed reality like skin or eye color—or risk serious consequences. It would have a chilling effect, in other words, on responsible, time-worn medical practice, as a “mistake-avoidance” ethos arises that would in turn be disastrous for children and their parents who are dealing with gender dysphoria, and who need the best, impartial advice from doctors that they can get.
- 7) In sum, as drafted, this is not a Bill focused on outlawing blatantly coercive practices akin to torture among those who currently think of themselves as members of minority communities. If it were, it would be warmly and widely welcomed. On the contrary (and most unfortunately) this is a Bill that is premised on a particular set of disputable beliefs about the right way of interpreting and properly “handling” matters of sexual orientation and gender identity — a Bill

that would establish those beliefs, and the actions that follow on from them, as the only right *and non-criminal* way of interpreting and properly handling such matters. It is a Bill that will forbid Canadians—whether healthcare professionals, parents, or others—from living their professional and personal lives in accordance with any other beliefs. And it is a Bill that would prevent dissenters from its “self-evident truth” from teaching or counselling in ways that run counter to its ideological commitments. As currently drafted, it is an illiberal Bill.

## PROPOSED AMENDMENTS

The current problems with the Bill can easily be resolved by some rewording in one place and a deletion in another, as follows:

- (1) *Rewording* is required in the first sentence of the “Definition” section, which should be amended in this way (the amendment appears in red and in a larger font): “***conversion therapy*** means a **coercive, non-consensual** practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce nonheterosexual attraction or sexual behaviour.”
- (2) The second paragraph of the Preamble should be *deleted*, since it is premised on a particular set of beliefs about sexual orientation and gender identity that are disputable on the basis of published scientific research, and that are in any case not shared by many Canadians. In particular, this paragraph does not take account of
  - i) the substantial evidence pertaining to the nature and significance of self-reports by minors concerning sexual orientation and gender identity.

- ii) the substantial adult personal testimony pertaining both to changes and non-changes in sexual orientation and gender identity over time, as well as all the testimony to both benefit and harm arising from counselling in this regard.

Consequently, the plural “harms” in the third paragraph of the “Preamble” should be changed to the singular “harm.”

We believe that these represent reasonable amendments to the Bill, and that truly liberal Canadians, anxious to protect their fellow-citizens’ freedoms (including their freedom to choose their own counselling services), should be happy to support them. However, if the Justice Committee is for some reason disinclined to accept these amendments, then we propose that at the very least the Bill should be amended in other ways so as to protect explicitly “teachers, school counsellors, pastoral counsellors, faith leaders, doctors, mental health professionals, friends or family members” to whom the Department of Justice has already claimed the “new offences” specified in the Bill would not apply. The Bill should explicitly protect

- i) the right of healthcare professionals, without threat to their reputation, licensing, employment, and without the risk of imprisonment, to offer what they believe is their best counsel to, and treatment of, minors experiencing distress concerning their current sexual attractions or sense of gender identity.
- ii) the right of parents to discuss with their children in a non-coercive manner the nature and significance of their current experience of sexual attraction or gender identity, in the context of the parents’ understanding of all the facts and of the family’s moral and/or religious worldview.
- iii) The right of other adults in a position of trust or authority in relation to minors to discuss with them in a non-coercive manner the nature and significance of

their current experience of sexual attraction or gender identity, in line with their understanding of all the facts and of their moral and/or religious worldview, and without threat to their reputation, employment, and without the risk of imprisonment.

These amendments will go a long way towards ensuring that Bill C-6 does not impose a very particular ideology on a large number of Canadian citizens who seek only the best for themselves and their children, and who desire in the course of their child-rearing (specifically) to be able to access both education and healthcare that is not overly characterized by ideological concerns.

### **Concerned Citizens of British Columbia**

We are a non-partisan, non-politically-aligned group of British Columbians whose membership is concerned about some of the directions that public discourse and policy are taking at the present time, and is keen to participate in respectful conversation with others about how we might do better. Our membership is informal: it comprises whoever agrees to rally around a particular cause at any given time in pursuit of the common good. There is no permanent membership list. One of the core commitments that drives us is the commitment to the long-term preservation of a properly free, pluralist, and flourishing society in BC in particular and in Canada more generally. This is a challenging business, and it requires a lot of hard work on all sides. Among its various requirements is that we protect each other's freedom of speech, and do not seek to suppress it by misrepresenting its true nature. This is a crucial matter, since without genuine freedom of speech, other freedoms cannot be peaceably defended. Especially when it comes to matters about which we strongly disagree with each other in society, it is imperative that we commit to genuine dialogue in the public square, rather than trying to dominate that space.



The group of concerned BC citizens that is corporately submitting this particular Brief concerning Bill C-6 numbers 53 in total and comprises:

- 17 lawyers
- 15 healthcare professionals
- 11 teachers/professors
- 10 others

On this occasion three further physicians and one further lawyer from Alberta have also asked to be associated with the Brief.