

## **Submission to the Parliamentary Justice Committee Regarding Bill C-6**

Bill-6 should be amended to allow consenting youth to access assistance to change sexual orientation and/or behaviour, or to affirm their biological gender.

I endorse the first provision of this bill, which is to protect adults from being subjected to some form of sexual therapy, broadly speaking, without their consent; however, there is no valid reason that young people should not also have the similar protection, and freedom. No one should be forced to receive coercive and abusive treatment, but equally they should not be forcibly prevented from therapy or support that they desire.

### **1. Sexual desires and behavior are not innate**

This Bill is based, in the preamble, on the idea that it is a "...myth that a person's sexual orientation and gender identity can and ought to be changed..." This supposed immutability has been claimed for decades, usually under the banner that a gay person is 'born that way'. However, recent research has rebuffed this notion rather firmly. No one is 'born gay'. It may feel that way, in the sense that people may feel that they 'discovered' they are gay, but science says otherwise. The most comprehensive search for a 'gay' gene, involving researchers at MIT, Harvard, and Massachusetts General Hospital, and the genes of 480,000 individuals (100 times more than any previous study), put this idea to rest. While genetic variants could predict sexual behavior to a small degree, "It's effectively impossible to predict an individual's sexual behavior from their genome," the lead researcher said, and "The rest comes down to the expansive realm of "non-genetic" or "environmental" effects". The findings were published Aug. 29, 2019 in the journal *Science*.

As a result, Parliament does not have the scientific basis to take the position as a matter of law, that homosexuality is immutable when recent, massive research strongly suggests otherwise.

These factors which are outside the genetic makeup presumably include personal beliefs, choices and experiences, plus environmental, cultural and family influences, and possibly more. None of these factors are innate. It is not unreasonable to suggest that if those beliefs, choices, experiences, and influences were to change, a person's sexual orientation and/or behaviour might change. It is bad policy to imprison any individuals, so to speak, in any sexual orientation by stating that their condition is unchangeable when it is not, and worse yet to put legal handcuffs, as it were, on those to whom they might turn to if they desire change – prosecuting parents, counselors, and others who offer different beliefs, choices, experiences and influences.

### **2. Sexual attractions and behavior do change**

Given that sexual attractions and behavior are largely the result of environmental factors it is not surprising that they can be fluid, changing as a person goes through life and experiences different environmental influences.

The research confirms this is the case. In a lengthy review article by Diamond and Rosky (1), the authors had the following to say about the evidence for change in sexual orientation during a person's lifetime:

"Savin-Williams et al. (2012) analyzed data from the National Longitudinal Study of Adolescent Health (Add Health), which has been regularly tracking same-sex attractions and sexual identity in a random, representative sample of more than 12,000 adolescents since 1994. We focus here on changes in attractions reported between the third wave of data collection (when respondents were between 18 and 24 years old, with a mean age of 22) and the fourth wave of data collection (when respondents were between 24 and 34 years old, with a mean age of 29). We focus on these waves because the measures used to assess same-sex attraction were more specific than at previous waves and hence less likely to have been misinterpreted, and also because evidence suggests that at younger ages, when respondents were around 16 years old, some of the boys' reports of same sex attractions may have been intentionally capricious (i.e., due to "jokester" youths giving false reports; Savin- Williams & Joyner, 2014).

At the third and fourth waves of data collection, respondents were asked to describe themselves as 100% heterosexual, Mostly heterosexual, Bisexual, Mostly homosexual, or 100% homosexual. Of the 5.7% of men and 13.7% of women who chose one of the nonheterosexual descriptors at Wave 3, 43% of the men and 50% of the women chose a different sexual orientation category six years later. Of those who changed, two-thirds changed to the category 100% heterosexual. Rates of change were greatest (and transitions to 100% heterosexual were most common) among those who initially described themselves as Mostly heterosexual (which was the single largest subgroup of nonheterosexuals, accounting for 58% of the men and 74% of the women reporting any same-sex attractions). In men, 59% of the Mostly heterosexual group changed over the following six years, and 82% of those transitions were to 100% heterosexual. In women, 47% of the Mostly heterosexual group changed over the following six years, and 84% of those transitions were to 100 % heterosexual. In contrast, only 8% of the exclusively homosexual men and 26% of the exclusively homosexual women who initially considered themselves exclusively gay changed categories six years later. Of the exclusive heterosexuals, 3% of the men and 11% of the heterosexual women switched to a nonheterosexual category six years later."

Clearly there are many people who change in the type and degree of sexual orientation. That there is fluidity is beyond dispute.

The myth is that homosexual orientation is cannot change, not that it can. If Parliament passes a Bill, aware that it is based on a demonstrable falsehood, it lays itself open to a charge of insincerity and deception, of having an agenda that is hidden. Why not simply go where the science leads, and leave Canadians to make their own choices? What is Parliament seeking to control or suppress? Science? Certain beliefs about sexuality?

### **3. Youth are more likely to experience changes in their gender identity, and sexual preferences and behavior**

Common sense and experience tell us that youth are more likely to experiment, to change their beliefs and preferences, and be more influenced by their cultural and family environment, than older adults. Our laws generally protect them from making choices that could have long-term consequences, often requiring the consent of parents if the decision is to be allowed at all.

If young people, with the consent of their parents, desire a practice, treatment or service to effect a change to their supposed sexual orientation or behavior, a change which is clearly

possible according to the best science, on what basis can Parliament ban it? On what basis could Parliament abrogate the freedom of Canada's citizens in regard to their sexual orientation and behavior? If for no other reason than to avoid a successful Charter challenge, I urge Members to amend this bill to extend the freedom to young people. (2)

## Homosexual Behavior

Finally, a word about behavior. Even if homosexual orientation was immutable (which it is clearly not), on what basis can Parliament justify the prevention of any of the country's citizens from seeking a practice, treatment or service which would help them to control, or eliminate their homosexual behavior? Not all orientations and desires need or should be acted on, sexual or otherwise. Every society and most every relationship, has boundaries. A heterosexual man or woman may seek assistance to control their behavior so as not to be unfaithful to their spouse, or to overcome an addiction to pornography. The present wording acknowledges the right of an adult person to obtain that help. On what basis can Parliament discriminate against young people who have homosexual attraction wish to avail themselves of the same help, especially if it is with the consent of their parents?

## Conclusion

I recommend that

1. the preamble be amended to remove the mistaken statement that homosexual orientation is immutable, and replace it with a statement acknowledging that it can and does change, and that it is the right of Canadians to seek change.
2. The absolute prohibition of providing 'conversion therapy' to persons under the age of 18 be removed in order to allow it in cases where that person (and the parents or guardians) consent.
3. As a consequence, the prohibition on advertising should be removed, as
  - a. Advertising *per se* is not coercive, and
  - b. Change in nonheterosexual orientation and behavior can and does occur.

## FOOTNOTES

- (1) Lisa M. Diamond and Clifford J. Rosky, *Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities*, *THE JOURNAL OF SEX RESEARCH*, 53(4-5), 363–391 (2016) 1 ANNUAL REVIEW OF SEX RESEARCH SPECIAL ISSUE
- (2) *Gay activist Dr. Kris Wells contends that parent-initiated sexual orientation change efforts do more harm than good, citing a study out of California. The study is so flawed that it cannot possibly justify Dr. Wells' contention. I include my critique of the study, including a citation of the study, as an Addendum to this brief.*

## ADDENDUM

Dr. Kris Wells, who strongly advocates for conversion therapy bans in 'Conversion Therapy in Canada: The Roles and Responsibilities of Municipalities', devotes an entire page to a study based in California that studied efforts initiated by parents to change the sexual orientation of their LGBT children (called SOCE for 'Sexual Orientation Change Effort'). The results showed higher rates of suicide attempts, depression and other negative consequences for those children. The implication is obvious – don't let parents try to guide their children toward heterosexuality by SOCE.

The California study citation is

*Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment*, Caitlin Ryan, PhDa, Russell B. Toomey, PhDb, Rafael M. Diaz, PhDa, and Stephen T. Russell, PhDc

*JOURNAL OF HOMOSEXUALITY* <https://doi.org/10.1080/00918369.2018.1538407>

***On a methodological basis, this interpretation of the data in this study is invalid.***

The study did not sample the right population for its data, as only LGBT adults were surveyed. In other words, those children whose sexual orientation was successfully changed by parent-initiated SOCE to heterosexual were *not* included in the study; therefore, the study cannot possibly answer the spectrum of the outcomes of parent-initiated SOCE. It never collected the data and therefore could never answer the question. Had it collected the data, it may have found that many more children were helped by SOCE; the researchers simply don't know, as they never collected that data.

In addition to the above, there were ***serious deficiencies in the quality of the data***. For example,

1. There was no differentiation of what was involved in each SOCE. Was it a quiet, supportive chat around the kitchen table? Or were there beatings, intimidation and kicking the young person out of the house? Was there a Bible study with an understanding youth pastor, or was it electro-shock therapy in someone's garage? One can imagine entirely different results, depending on how SOCE was handled.

2. There was no effort to determine whether each child supported the SOCE. In any therapy, the willingness of the patient/client is critical to success.
3. There was no information as to what each child believed about the normality or desirability of homosexual orientation, or what their peers or others in authority taught them, in comparison to what their parents taught or believed. What a person believes to be true has an enormous effect on their view of what kind of person they are or the kind of person they can become. There was no information on whether the child believed that it is possible or desirable to change sexual orientation. If the child believed, for example that it is not desirable or possible to change, that child will more likely resist the parent-initiated SOCE and have a negative view of the change effort.

## **Conclusion**

There is no data in this study to support the notion that parent-initiated SOCE is necessarily ineffective or harmful to their children. This study does provide credible evidence that for some homosexual individuals, parent-initiated SOCE was ineffective and had negative effects. This serves as a note of caution, but it cannot be generalized to all parent-initiated SOCE efforts, so as to justify a prohibition.