



Brief of the
Association for Reformed Political Action (ARPA) Canada
to
The Standing Committee on Justice and Human Rights
regarding

Bill C-6, *An Act to amend the Criminal Code (conversion therapy)*

December 2, 2020

Dear Justice Committee Members,

Bill C-6 seeks to end conversion therapy, the harmful practice of trying to alter a person's sexuality by: inflicting pain (e.g. electrical-shock therapy), prescribing pharmaceuticals, performing surgery, or by demeaning shaming rituals. These practices are degrading and wrong and should be banned.

Legislators must be nuanced and precise in their definitions. Overly broad language in a criminal ban on conversion therapy will capture practices and services that are not abusive and some that are helpful. Imprecision in Bill C-6 will reduce the availability of psychological help for children, teens, and adults; negatively impact spiritual counselling, teaching, and mentoring on questions of identity and sexual ethics; and place a chill on religious and expressive freedom. In short, it is for citizens, including those within the diverse LGBTTTQQ2SIA+ community, to make decisions for themselves – without government interference – about the spiritual, emotional, and counselling support they desire. A patronizing approach where Parliament knows what's best for all members of the LGBTTTQQ2SIA+ community, when there are clearly members of that community who want access to options that Bill C-6 may (intentionally or not) prohibit, is demeaning in its own right.

Bill C-6 defines conversion therapy too broadly and vaguely. If left unamended, it will do more harm than good. Intentionally or not, this definition captures helpful counselling and psychological support for children, teens, and adults struggling with gender dysphoria. It also captures spiritual counselling around sexual ethics and identity. Any proposal to ban conversion therapy must clarify that these practices are *not* conversion therapy.

Without this clarification in law, Bill C-6 would arguably make it a criminal offence for parents to bring their child to a counsellor to address gender dysphoria and for the counsellor to help their child be comfortable in their own skin. The penalty (for both the counsellor and the parent) would be up to five years in prison. Likewise, without amendment, Bill C-6 will deny to some members of the LGBTTTQQ2SIA+ community the broad range of choices for counselling that are freely available to other Canadians. In a tragic twist, Bill C-6's sloppy definition discriminates against the very people it purports to help.

Affirming human dignity

ARPA Canada affirms the inherent dignity and worth of each individual. Every person is a unique creation made in the image of God. Because of this reality, we love all individuals and want them fully and equally protected in law.

Some people who identify as LGBTTTQQ2SIA+ wish to diminish feelings of same-sex attraction or reduce same-sex sexual activity for various reasons that our government should respect. Such reasons may include: physical and mental health, religious beliefs or conscience, desire to have or maintain a “traditional” family, life goals, personal preference, or other legitimate personal reasons. Likewise, there is an ongoing, legitimate debate about the best way to love and care for children exhibiting gender dysphoria at young ages. To use the power and coercive force of the criminal law to eliminate different options for care is dangerous and reckless. While the federal government should be concerned about and legislate on dangerous methods (electrical shock therapy, surgical or pharmaceutical interventions, etc.), it must not conflate methods with goals. A gay man should be free to pursue a goal of celibacy (for example) through the same methods that are available to a heterosexual man.

Recommendations to improve Bill C-6

ARPA Canada would support a well-defined ban on conversion therapy. In fact, before Bill C-8 (the precursor to Bill C-6) was tabled, ARPA Canada submitted a legislative proposal and draft bill to the Justice Department to criminalize conversion therapy. Therefore, ARPA Canada makes recommendations here to better target harmful conversion therapy while respecting people’s freedom to seek a variety of counselling supports for struggles related to identity, sexuality, and gender. Before getting to the amendments, we offer five explanatory notes:

1. Adding “therapeutic” at the beginning of the definition of conversion therapy would go a long way in focussing the scope of this bill. It would alleviate the legitimate concerns of parents, teachers, and spiritual leaders from a diversity of faith groups that their good-faith conversations around identity are not targeted by this bill.
2. A criminal law ban on conversion therapy ought to be neutral on the “direction” of the conversion therapy being banned. Even if, in our present context, the primary concern is of conversion therapy from gay, lesbian, bisexual and transgender identities toward normative identities, there is no good policy reason to explicitly exempt conversion therapy in the other direction. Hence, we recommend that this Committee strike out the words “to heterosexual” and “to cisgender.”
3. The government must not prohibit counsellors from inquiring about past trauma, including physical, sexual, emotional or verbal abuse or neglect that may contribute to particular behaviours (e.g. promiscuity). Such a clarification would reassure many within the counselling professions (psychologists, social workers, counsellors, etc.) who may have reason to explore a person’s history, but may (inadvertently or otherwise) be afraid to do so since this bill could signal that such conversations are off limits. These conversations are vital for pursuing healing and Parliament should signal that with a clarifying clause (see clause (c) proposed below).

4. It is manifestly unfair to LGBTTTQQ2SIA+ youth and adults for the federal government to prevent them from receiving any counselling that would reduce non-heterosexual sexual behaviour *if that behaviour is unhealthy* (example, promiscuity increases the risks of STIs, for heterosexual and non-heterosexual individuals alike). Why should heterosexual individuals get access to services that help them control their sexual behaviour, but not LGBTTTQQ2SIA+ individuals? Therefore, the committee should cut the reference to sexual behaviour from the bill.

To provide further clarity, the committee should also add an additional clarifying statement that any counselling that addresses unlawful, unethical, or unsafe sexual activities does not constitute conversion therapy. See the proposed clause (d) below.

5. The government has stated that this bill does not target religious teaching on sexual identity and sexual ethics. It would do well to prove this in the language of the bill. Our proposed paragraph (e) would calm the very real concerns of many within religious communities who perceive that the intent of this bill is to target particular religious teachings. And it would properly direct the thousands of police officers, investigators, and prosecutors to focus their attention not on religious minorities but on outdated therapeutic practices.

ARPA Canada recognizes that other proposals for amendments have been made to this committee that recommend slightly different wording, but agree with our recommendations in principle. Most importantly, we urge this committee to address the substance of these concerns.

Respectfully submitted,
on behalf of the Association for Reformed Political Action (ARPA) Canada



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Attachment: Proposed Amendments to Bill C-6

Proposed Amendments to Bill C-6

320.101 In sections 320.102 to 320.106, *conversion therapy* means a therapeutic 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~~. For greater certainty, this 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;

(c) to the investigation, exploration or treatment of gender dysphoria or of past trauma, including but not limited to physical, sexual, emotional, or verbal abuse or neglect;

(d) to any counselling that addresses unlawful, unethical, or unsafe sexual activities; or

(e) good faith teaching or discussion regarding conscientious beliefs or opinions, be they moral, religious, scientific, or otherwise, or attempts to establish such beliefs or opinions by argument.