

To: The Standing Committee on Justice and Human Rights Re: Bill C-6
Amendments

I am writing concerning Bill C-6; an act to amend the criminal code regarding conversion therapy. I stand against the use of coercive and abusive methods in regards to attempting to change a person's sexual orientation, gender identity, or gender expression; however Bill C-6, as currently written, is problematic in a number of ways:

1. ***Oversimplification of a complex issue: gender identity and expression can and do change over time.*** The preamble to the bill asserts that it is a myth that gender identity can change. The development of one's gender identity and gender expression is not a one-time act, but a process that unfolds over time. Exploration of gender identity and expression is a part of normal childhood development. Could therapy also not be considered "conversion therapy" if a child is prematurely swayed in a direction away from their natal gender when they are exploring what gender means to them? As cited from the most recent World Professional Association for Transgender Health Standards of Care (Version 7, page 12 under *Phenomenology in Adolescents*) "it is well known that in most children, gender dysphoria will disappear before, or early in puberty." The current wording of Bill C-6 does not allow sufficient room to journey with children in the liminal space as they explore gender. As written it appears that a practice, treatment or service that exuberantly affirm a child's chosen gender on a particular day will be sanctioned, while watchful waiting or encouraging a child to embrace their natal gender would be criminal. What of the child's developmental level and background? For example, part of developing deep roots of attachment to one's caregivers is to identify with them through "sameness", and depending on who a child's primary caregivers are, one can expect a reflection of these caregivers in their identity and behavior as part of normal development.
2. ***Endorsing the sterilization of youth will not contribute to a healthy and thriving younger generation in Canada.*** Given that Bill C-6 exempts gender transition from its definition of conversion therapy, it is important to be aware that the majority of children that transition socially also follow with medical intervention to bring their physical body in line with their gender identity. Members that support Bill C-6 are a part of the process leading children to this outcome given that the bill makes it criminal to encourage questioning children to embrace their natal gender. It is incumbent on members to be fully informed of the broader implications of supporting such a bill as it is currently written. Puberty blockers and cross sex hormones lead to infertility of youth; one cannot be fertile when never fully having gone through the puberty for their natal sex. Given that the use of puberty blockers for children with gender dysphoria has only been practiced since around 2007, there is no research regarding the long term effects of blocking puberty followed by the use of cross-sex hormones.

In the PBS Frontline documentary "Growing up Trans" (2015) pediatric endocrinologist Dr. Courtney Finlayson from the Lurie Children's Hospital ends

the documentary with these final words, “I really hope that what we are doing is the right thing”. Indeed, even the physicians and endocrinologists in this field do not know the long term outcomes of these medications when used in this “off-label” way, hence the long consent forms, and the incredible leap of faith that families must take.

In a study of the early treatment of gender dysphoria where 17 treatment teams worldwide were contacted about their practices and treatment, there was no consensus on the nature or treatment of gender dysphoria, with an emphasis on the dire need for long term studies to help inform practice (LJJJ. Vrouenraets et. al., June, 2015). Sadjadi (2013) provides a thoughtful analysis of the narratives used by most advocates of early treatment of children for gender dysphoria, particularly the elements of saving children from the looming disaster of puberty, and potential implications of this account for the well being of children. Treatment of gender dysphoria seems to have quickly narrowed to a false dichotomy of undergo transition or face certain death, constricting the decision-making of parents and children, and the imagining of other possible viable futures.

3. ***Discrimination based on sexual orientation.*** Adults should have self determination and the freedom to choose. Bill C-6 specifies that eliminating or reducing sexual attraction or sexual behavior between non-heterosexual persons is prohibited. This is most certainly an example of government overreach into the bedrooms of its citizens. Based on this wording, it appears that if a heterosexual seeks counselling to reduce sexual behavior, this is permissible. However, if a non-heterosexual person sought assistance in reducing sexual behavior, this appears to be prohibited. This wording leaves no room for the possibility that a same sex attracted person may choose willingly to not act on the same sex attraction, or to reduce sexual behavior for any number of reasons. How does the government mandating what type of help a person can receive support citizens in being “free to be their true selves”?
4. ***Impingement on a citizen’s constitutional rights, including the freedom of conscience and religion, and the freedom of thought, belief, opinion and expression.*** An individual’s sense of identity is formed through a combination of many different factors, and some individuals may choose to have cultural, religious, and/or familial beliefs take precedence over their sexual and/or gender identity, resulting in them seeking out services to help reduce non-heterosexual attraction and sexual behavior. Will people in this situation need to go “underground” to seek the support they desire; is their lived experience and their self determination in terms of identity of no consequence? Bill C-6 reveals a myopic linear view of identity where sexual orientation and gender identity take precedence over all other aspects of the self. It is not uncommon that there might be dissonance between different parts of the self, and it should be up to the individual to decide what best reflects their authentic self, and to be able to receive counsel if they so choose. Yet, it was asserted several times at the Standing Committee of Justice and Human Rights meetings on December 1st and 3rd that it is felt that an adult cannot consent to “conversion therapy”

which, since inexplicably, it is *not* defined as abusive and coercive in the definition, would capture consenting adults reaching out for help to reduce sexual behavior or attraction if they are non-heterosexual.

Likewise, there were assertions from the Standing Committee of Justice and Human Rights meetings on December 1 and 3rd about how “good faith” conversations would be exempt from the Bill C-6, but it was also clear from the discussion that conversations are to be “non-influencing”, which necessarily means that conversations where an adult willingly seeks out counsel within their faith community would in some instances be criminal considering that many faith communities hold different beliefs related to sexuality and gender identity than what is promoted by the government. In a pluralistic society, I believe we can hold these different values and beliefs, and still also respect and care for one another.

In summary, approving Bill C-6 as it is currently written falls short of protecting the human dignity and equality of all Canadians, and fails to promote the diversity that makes up our great nation. Creating a law that dictates a “one-way street” in terms of exempting “conversion” via gender affirming therapy and medical intervention, but at the same time forbidding “conversion” in terms of encouraging a child’s sense of themselves in their natal gender, has high stakes in terms of eliminating future developmental outcomes for youth (e.g., fertility) and unknown long term consequences. Canadians should be free to choose the counsel that they desire. I urge you to oppose this Bill as currently written, and to create a law that clearly defines conversion therapy as coercive and nonconsensual, that drops gender identity entirely from the bill, and that upholds freedom of choice for all. Ultimately, promoting the infinite worth of all individuals will go a long way in creating a welcoming country.

Respectfully,

Karen Colburne

References

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