

Parliamentary Brief Re: Bill C-6 (Conversion Therapy) Submitted by Dwayne Cline

To the Standing Committee of Justice and Human Rights:

Thank you for work on the important and relevant issue of the coercive forms of conversion therapy. I believe any abuse of power or privilege must be eradicated and as necessary criminalized. I have a few recommendations to offer the committee for their consideration.

Firstly, the definition of conversion therapy must be broadened to serve all Canadians well. In the preamble to Bill C-6, you state that this bill is, 'to protect the human dignity and equality of all Canadians.' In section 320.101 conversion therapy is defined in respect to its historic use of the 'change a person's sexual orientation to heterosexual.' Understanding that this is the historic use of conversion therapy, it should be noted that conversion therapy is not limited specifically to that definition and can be any formal therapeutic attempt to alter the sexual orientation of a person regardless of their orientation. To serve all Canadians well and protect the vulnerable, I would recommend the committee consider a broader definition that would criminalize any form of conversion therapy. The bill does not address some of the present and potential use of conversion therapy. A broader definition would not only protect those in the LGBTQ2+ community but all Canadians from any iteration of the therapy.

Secondly, the type of conduct intended to be and not be criminalized must be defined clearly.

As stated in the Legislative Summary of Bill C-6, "Minister Lametti and the Department of Justice have commented on the type of conduct that is and is not intended to be criminalized by the bill. The Department of Justice indicates that:

These new offences would not criminalise private conversations in which personal views on sexual orientation, sexual feelings or gender identity are expressed such as where teachers, school counsellors, pastoral counsellors, faith leaders, doctors, mental health professionals, friends or family members provide support to persons struggling with their sexual orientation, sexual feelings, or gender identity."

The Charter Statement on Bill C-6 also states that, "The Bill also potentially engages Sections 2 (a) (freedom of religion), 2 (b) (freedom of expression)...of the Charter." Further in the Charter Statement it states that, 'Section 2(a) provides that everyone has freedom of conscience and religion. This guarantee protects a person's sincerely held practices or beliefs that have connection with religion" Again the Charter Statement explains, "Section 2 (b) provides that everyone has freedom of thought, belief, opinion and expression. This freedom encompasses the freedom to convey meaning, with the exception of violence and threats of violence."

The only section of Bill C-6 that appears to deal with the intent, stated both in the Legislative Summary and Charter Statement of Bill C-6, directly is 320.101. The terms, "practice, treatment and service" must be further defined to accomplish what the Legislative Summary of Bill C-6 and the Charter Statement on Bill C-6 propose. Additionally, neither (a) nor (b) in section 320.101 offer the clarity needed in the exemption clause, "For greater certainty, this definition does not include a practice, treatment or service that relates..." Both exemption (a) and (b) need a more robust explanation to define what is not included in the both the definition and practice. They insufficiently explain the intent outlined in the Legislative Summary and Charter statement.

Lastly, this statement written in the definition of conversion therapy, “or gender identity to cisgender, or to repress nor reduce non-heterosexual attraction or sexual behaviour,” requires a more comprehensive description and explanation to serve all Canadians well, including the LGBTQ2+ community. The current explanation is too narrow and does not include other forms of conversion therapy. Further, the terms ‘repress and reduce’ must also be defined with greater precision.

Thank you again for your work on this important subject.

Respectfully submitted,

Dwayne Cline