

Sonya Braun

***Submission to
The Standing Committee on
Justice and Human Rights***

Regarding Bill C-6

Introduction

As the Standing Committee on Justice and Human Rights, your mandate in reviewing Bill C-6 must include preventing injustice and the violation of human rights in the amending of our criminal code.

What is required for justice? A valuing of truth and a disdain for bias or favoritism. It requires clear and objective thinking, unclouded by public opinion.

What is required for the upholding of human rights? Essentially, a balancing of individual rights is needed. Where this bill currently touches various human rights has already been highlighted. The question is whether the intent of the bill can be upheld without *unnecessarily* violating the human rights of individuals.

As you review the contents of this bill in its current state, I ask you to look with a critical eye. What are the assumptions and presuppositions upon which this bill rests? Are they based on reality or ideology? Does the bill favor a particular group of people or ideology or discriminate against a particular group of people or belief system? The law must be impartial. What is the intent of the bill? Does the intention match the content? Or does the bill fall short or reach beyond the proposed intent? How is the bill worded? Will Canadians understand exactly what will be against the law, or is much left up to interpretation? Is the bill misleading in any way? Does the crime fit the punishment? Does its place in the criminal code make sense? Is anyone made criminal who shouldn't be, given the intent of the bill? Is anyone made exempt who shouldn't be, given the intent of the bill?

Why is the review of this bill so critical? Hasn't it already passed through the House, almost unanimously? While it is true, that over 300 MP's have supported this bill, I believe they are supporting the overall intent of the bill, which is to protect people, especially children, from the trauma and hurt that is known to result from trying to change someone's sexual orientation from "gay to straight". Given that leaders desire to uphold the rights of the LGBTTTQ+ minority, it is not surprising that very few went on the record to withhold their support, as it would be seen as a lack of concern for that community or a failure to recognize the harms of conversion therapy (as defined earlier in history--not in this bill). A very few were willing to go on record as the "nay-sayers", but that does not mean that their reasoning is not valid or important. Rather it is a signal that there is something deeper to look at. As other submissions are highlighting, there are issues that need to be addressed. Turning a blind eye refers to impartiality, not ignoring evidence.

Assumptions, Presuppositions and Wording

The preamble to this bill states it is a myth or stereotype that sexual orientation or gender identity can change. This is easily missed because it is joined with the phrase “and should”. The “should” is a matter of personal belief and/or religious conviction. Even the library of parliament’s summary includes evidence that in some cases, sexual orientation should change, because of the benefits that were reaped by those with religious convictions.

According to the American Psychological Association review, more recent studies examining the efficacy of non-aversion techniques and religious approaches to changing a person's sexual orientation were not scientifically rigorous. Rather, those studies were based on self-reporting of perceived benefits, harms and changes to sexual orientation or identity. Some of them documented harms that individuals were reported to have experienced as a result of their exposure to SOCE, which included negative social and emotional consequences, deteriorated relationships with family, loss of social support, loss of faith, sexual dysfunction, suicidal ideation, and self-hatred. Those studies were countered by several other studies, conducted by Dr. Joseph Nicolosi and others, that included self-reports from other individuals who said they had experienced benefits from exposure to SOCE. The benefits cited included relief, happiness, an improved relationship with God and perceived improvements in mental health status. However, it is noteworthy that the subjects in those studies were predominantly men who indicated that religion was of central importance in their lives.[1]

Stating that sexual orientation and gender identity cannot change is also faulty (as thoroughly noted by Paul Dirks regarding fluidity in his brief), and discredits all that follows in the proposed bill.

The definition for conversion therapy used in this bill proposal assumes that conversion therapy, which, bluntly put, has always meant trying to make a “gay person straight” also rightfully includes therapy for gender dysphoria. Whereas there is widespread agreement and much history to support a ban of this specific practice regarding sexual orientation, no such agreement or history supports the banning of therapies around dysphoria that move towards gender and sex alignment, termed “cisgender” in the definition. Dr. Kenneth Zucker pointed this out in his five-minute testimony on December 1, 2020.

The inclusion of “to repress or reduce non-heterosexual attraction or sexual behaviour” as part of what defines conversion therapy, at first glance seems reasonable. Here again, there is a problematic joining of two very different concepts: attraction and behaviour. First, while attractions are not chosen, behaviours always are. Second, while the Sexual Revolution presupposes that sexuality is central to every human being and any repression of desire or reduction of behaviour is harmful, many Canadians believe sex is a sacred gift designed by a loving Creator for procreation, bonding, and pleasure between a husband and wife and therefore any attraction or behaviour outside of that covenant relationship should be limited in order to thrive. Therefore, doesn't using this definition criminalize reducing sexual behaviour, including for those Canadians having a pattern of same-sex attraction who believe it wrong to act on those attractions? And doesn't this therefore, violate their human right to hold to certain

beliefs and act on them? Further, when the definition says, “any practice, treatment, or service” much is left to the imagination and interpretation of judges. And when the Legislative Summary of the Bill includes references to Scripture reading, prayer, repentance, and forgiveness along with a wide range of other practices: “addressing family dynamics, aversion techniques (electric shock treatments and induced nausea and vomiting), behavioural interventions (dating skills, assertiveness and affection towards the opposite sex) and cognitive interventions (reframing of thoughts and desires)”[2], one is left wondering what exactly will be against the law. Problematic if we want laws that are just, fair, and effective in achieving their goals.

Placement in the Criminal Code

Isn't the listing of advertisements for conversion therapy alongside child pornography, voyeuristic imaging, and advertisements for the procuring of the sexual services of a child, as if they are equally abhorrent or obscene, a grave concern? Doesn't this inclusion either diminish the seriousness of the original listing of offensive materials or heighten the seriousness of the addition? For instance, should seizure of a conversion therapy ad from the maker's computer be as important as that of a pornographic image of a child? Can a conversion therapy ad be considered obscene? Also, the inclusion of the removal of a child outside Canada to undergo conversion therapy being included with the other crimes like trafficking, and underage, unconsented sex etc. seems to have a similar effect. I question the wisdom and necessity of this.

Impartiality and the Goal of Protecting Children

From its introduction, the overarching goal of this bill has been declared to be the protection of children. Does Bill C-6 accomplish this goal? What an important question.

What, in regards to sexual orientation and gender identity, endangers children? The writers of this bill are most concerned about them being exposed to therapy “designed to change their sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour.”

An obvious, or not so obvious, question is: how did their orientation come to be homosexual, bisexual, pansexual, asexual, questioning etc.? And how did they form their gender identity, whether non-conforming, agender, pangender, polygender, gender fluid, questioning, non-binary, transgender, etc.? Was this something inherent and ingrained into the fibre of their being from birth and simply discovered? More than likely, it came about through feelings, experiences, and interpretations of both by media messaging and influential people.

As mentioned before, fluidity has been established. Consequently, children and youth are shifting in these identities naturally, but also as a result of who they spend significant amounts of time with, what activities they engage in as a result, and what messages they embrace. Although these are not considered therapies, practices, or treatments--they are highly influential factors in a child's life. It is possible that these factors can lead a child or youth to be convinced

they fit the description of someone with these labels, and therefore see themselves with a certain sexual orientation or gender identity as a result.

Where their parents, given a chance to talk and listen might have been able to interpret these feelings and experiences differently with their children, or encouraged them to wait and see instead of express and explore, are finding themselves left in the dark by school staff, ostracized from their children who have been told their parents are homophobic or transphobic, and usurped in their role as guide and confidante because all the other influences are having neither open-ended nor exploratory conversations with their children--they are telling them in no uncertain terms what they should believe, both about themselves and their friends.

Once a parent becomes aware of this development, what recourse do they have? If anything, shouldn't there be laws protecting a parents' rights to raise their own children in the values and beliefs that have been passed down for generations? Should a parent fear sending their child to public school for fear of what could happen if their boy says he wants to be a girl (upon further conversation--because he likes long hair) and now he's being told he is actually a girl in a boy's body and should be encouraged to dress that way and change his name and see a doctor about puberty blockers? It gets worse as destructive surgeries are ordered for minors. More and more stories of parents distraught over how powerless they are to do anything at all. Do we want to add insult to injury and imprison them during their kids' crucial formative years? Maybe send their kids into foster care where certain doctors may prey on them further?

It seems as though this bill exempts all the influences/influencers that may lead a child into a non-heterosexual orientation or non-"cisgender" identity and criminalizes any that may lead a child into the same, especially considering this clause:

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.

Is this not discrimination?

It seems like it is okay only to move in one direction when it comes to fluidity--away from attraction to the opposite sex and alignment of gender with natal sex. Do the writers and supporters of this bill have a problem with either of those? Is there something harmful to children in either of them? (Do they wish to lock a child into anything but either of those?)

On the contrary, there is nothing harmful with attraction to the opposite sex or feeling a peace with one's maleness or femaleness regardless of whether one fits the stereotypes. So, why is a move in this direction the focus of a bill meant to protect children? Why is it considered harmless to move a child away from these, but harmful to move a child toward them? Why are parents and those they trust the focus of suspicion and not those who influence their children against their wishes?

Furthermore, are there harms associated with homosexual activity and transitioning? There are many that come to mind, though they are continually played down in our current culture. A look at the CDC website will confirm, as will stories of transition regret and botched surgeries attest. And are there harms associated with children and youth being sexually active, regardless of sexual orientation or gender identity? A resounding yes! So, why (again) is the promotion of a reduction of sexual behaviour considered harmful? And why is sexual experimentation encouraged, particularly among youth who experience same-sex attraction? The only way to avoid sexual risk is to either abstain from sexual activity or (as an adult) participate in a mutually monogamous relationship for life. Perhaps parents are more than closed-minded or intent on conferring harm, and instead want the best for their children.

Summary

Protecting parents' rights to protect their own children is the most effective way to ensure children's wellbeing. Give them more rights, not less. Respect the family unit as the key building block for a healthy nation.

Watch that the wording, presuppositions, and content of the bill are unbiased, impartial, and clearly delineate what is considered against the law without exempting some and punishing others.

I implore you as a committee for Justice and Human Rights to consider what is just, right and fair. And what truly protects the children of this nation.

Endnotes:

- [1][1.2.3 Scientific Evidence Regarding Conversion Therapy \(paragraph 2\)](#)
- [2][1.2.2 Historical Origins of Conversion Therapy \(paragraph 2\)](#)