

Bill C-6:

An Act to amend the Criminal Code (Conversion Therapy)

***Written evidence brief submitted to the Standing
Committee on Justice and Human Rights (JUST)***

December 6, 2020

Introduction

As Canada's largest organization for gay, bisexual, trans, Two-Spirit and queer men's health, the [Community-Based Research Centre](#) calls on the government to make amendments to Bill C-6 that would protect a greater number of LGBTQ2 people and bring more certainty to communities deserving of recognition and respect. Importantly, any amendments the committee makes should not weaken or narrow the scope of the proposed legislation.

Summary of Recommendations

1. Bill C-6 **should** include language around gender expression, aligning with the Canadian Human Rights Act
2. Bill C-6 **should** extend protections to all people, regardless of age or so-called "consent"
3. Bill C-6 **should** ensure trans and non-binary people are protected
4. Bill C-6 **should** add a preamble encouraging provinces, territories and municipalities to continue developing their own legislation
5. Bill C-6 **should** be accompanied by funded supports for survivors
6. Bill C-6 **should not** limit its scope due to perceived fear about freedom of expression or religion
7. Bill C-6 **should not** remove the term "behaviours"

Recommendations

1. Bill C-6 **should** include language around gender expression, aligning with the Canadian Human Rights Act

Gender expression is the way you portray your gender – typically through your appearance, dress or mannerisms.

Since 2017, the Canadian Human Rights Act has included gender expression (along with sexual orientation and gender identity) as protected against discrimination. This recognizes that people are often subject to homophobia or transphobia solely because of how they present themselves separate from how they identify. Language in Bill C-6 should mirror this.

Additionally, in [a survey](#) of conversion therapy survivors conducted by Simon Fraser University, the University of British Columbia and University of Victoria, half the participants expressed that Bill C-6 as written would not have fully protected them. Practically, conversion therapy might target being "too girly" or "too much of a tomboy." These relate to gender expression but are just as harmful to someone's mental health.

2. Bill C-6 [should](#) extend protections to all people, regardless of age or so-called “consent”

The [2019 Sex Now Survey](#) – Canada’s largest and longest-running health survey on gay, bisexual, trans, Two-Spirit, and queer men (GBT2Q) – revealed that a third of respondents who experienced conversion therapy started attending these practices as an adult. Our data show that prevalence was notably highest in the youngest groups of respondents, underscoring the fact that conversion therapy is not “a thing of the past” and may have even increased over time.

As for “consenting” adults, there is international consensus that any efforts to change sexual orientation, gender identity, or gender expression result in increased anxiety, depression, self-hatred, compromised mental health, post-traumatic stress disorder, suicide, or suicidal thoughts. This includes statements from reputable medical and scientific organizations such as the Canadian Psychological Association, American Psychiatric Association, World Health Organization, and [dozens more](#). Conversion therapy is abuse, and one cannot consent to abuse.

Those who seek or acquiesce to conversion therapy – including adults – often do so because they believe living as an LGBTQ2 person will prevent them from being happy, healthy, or successful. That is a flawed and dangerous position, and any purported benefits of “consensual” conversion are often derived tangentially – such as finding a community, having a sympathetic ear, or feeling a greater sense of control in one’s life. These benefits can be achieved through evidence-based mental health support by service providers or community groups that don’t devalue or suppress LGBTQ2 identities.

3. Bill C-6 [should](#) ensure trans and non-binary people are protected

The 2019 [Trans Pulse](#) survey revealed that one in 10 trans people in Canada have experienced conversion therapy to try and make their gender align with their sex assigned at birth. We join the Centre for Gender and Sexual Health Equity, among others, in calling for [amendments](#) that better includes and protects trans people. The Centre writes:

“In its current form, Bill C-6 narrowly defines conversion therapy – excluding practitioners who insist that they are not intending to ‘change a person’s... gender identity’ but whose goal is nevertheless to discourage or delay the adoption of gender identities not assigned at birth, as well as non-conforming gender expressions.”

By narrowing on the language of “change,” conversion therapy practitioners find a loophole and continue to delay, withhold, or discourage transitioning. This is in opposition to [research](#) showing that transitioning – socially, legally, or medically – significantly improves people’s mental health, safety and employment outcomes.

4. Bill C-6 should add a preamble encouraging provinces, territories and municipalities to continue developing their own legislation

Practitioners of conversion therapy frequently use misinformation and creative language to conceal what they do – “counselling” struggling LGBTQ2 people to adopt harmful beliefs and practices that suppress their minority sexual orientation or gender identity.

Bill C-6 will go a long way in protecting LGBTQ2 people in Canada from these harmful practices, but it shouldn’t be seen as a final step. Municipal, provincial, and territorial legalisation – much like the ones already enforced across the country – add additional layers of security and reinforce a message that efforts to change someone’s sexual orientation, gender identity or gender expression should not be tolerated.

An appropriate preamble would prevent other orders of government from going “pens down” on new protections and encourage them to act further to protect their local communities. Notwithstanding the importance of this federal conversion therapy ban, additional legislation enacted by municipal, provincial, and territorial governments – to enact by-laws and regulate business licenses and health professionals – remain critical to ensure that harmful and discredited conversion therapy practices are stopped.

5. Bill C-6 should be accompanied by funded supports for survivors

Legislative bans are an important part of undermining conversion therapy in Canada – but they are only one of many tools the government can use to support and protect LGBTQ2 people.

For instance, right now there are thousands of conversion therapy survivors who are traumatized from its effects. We recommend the government fund free support counselling, therapeutic groups, community education, or community building opportunities for these survivors, similar to [recent steps](#) the German federal government took upon passing their conversion therapy ban.

These services can go beyond supporting just conversion therapy survivors in Canada by also helping impacted families, as well as newcomers who may have experienced the harmful practice in another country.

6. Bill C-6 should not limit its scope due to perceived fear about freedom of expression or religion

Bill C-6 specifically targets “treatments, services and practices,” clearly excluding casual conversations, sermons, or statements. Any attempt to create an exhaustive list of “excepted groups” (i.e. parents, teachers, coaches, etc.) will encourage conversion therapy practitioners to find loopholes in that list.

Operationalizing anti-LGBTQ ideology into a treatment, service, or practice – regardless of your relationship to the victim – is conversion therapy. A teacher, for instance, should not be able to offer “family-oriented” role-playing exercises every other week for

students questioning their sexuality or gender identity. Nor should a faith leader offering a service to “exorcise” or “pray away” same-sex attraction.

While the Canadian constitution does protect a citizen’s right to free expression and religion, there are limits, such as those banning hate speech or violent threats. These are examples of a “proportionate and reasonable” limit to freedoms, much like the Supreme Court of Canada has already ruled in other cases related to LGBTQ2 rights. Other jurisdictions that ban conversion therapy or similar practices have had their laws tested in courts, but to date all these laws have been upheld.

7. Bill C-6 should not remove the term “behaviours”

Removing this terminology would play into the hands of conversion therapy practitioners who *already* have pivoted their language away from “conversion” and toward “living a healthier, happier lifestyle” – but one that depicts LGBTQ2 “lifestyles” as barriers to that goal.

Again, the goal of Bill C-6 must be reinforced here: to prevent LGBTQ2 people from harm. If a service or treatment claims not to “change” or “convert” and instead focuses on behaviours – yet still reinforces an underlying principle that living as a LGBTQ2 person is flawed, damaging and undesirable – this *is still* conversion therapy. Both LGBTQ2 and non-LGBTQ2 people can and should be able to access supportive counselling or therapies in relation to their sexuality, particularly in the context of managing and addressing traumas related to sexual abuse or assault. But services that fundamentally stigmatize and devalue queer and trans identities or “lifestyles” should not have a place in Canada.

Any concern that the proposed legislation will produce a “chilling effect” among mental health practitioners with respect to providing counselling or therapies related to sexual orientation, gender identity, or gender expression is unfounded. For instance, in Ontario, where conversion therapy has been banned amongst health professionals since 2015, there have been no reports of people being unable or less able to access to sex, relationship or self-esteem counselling.

For more information on conversion therapy and other sexual orientation, gender expression and gender identity change efforts in Canada:

- [Sex Now Survey results reveal prevalence of change efforts](#)
- [Ending Efforts to Change Sexual Orientation, Gender Identity & Gender Expression](#)
- [Prevalence of Exposure to Sexual Orientation Change Efforts and Associated Sociodemographic Characteristics and Psychosocial Health Outcomes among Canadian Sexual Minority Men](#)
- [Ending conversion therapy in Canada: Survivors, community leaders, researchers, and allies address the current and future states of sexual orientation and gender identity and expression change efforts](#)

About CBRC

Community-Based Research Centre (CBRC) promotes the health of gay, bisexual, trans, Two-Spirit, and queer men (GBT2Q) through research and intervention development. CBRC's core pillars – community-led research, knowledge exchange, network building, and leadership development – position the organization as a thought leader, transforming ideas into actions that make a difference in our communities.

CBRC was incorporated in 1999 and is a non-profit charitable organization. Our main office is located in Vancouver, and we also have satellite offices and staff located in Halifax, Ottawa, Toronto, Calgary, and Edmonton.



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