

Brief on Bill 70 presented to the Committee on Citizen Relations

Presented by

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Thank you for the opportunity to speak to the Committee on Citizen Relations regarding Bill 70. As a summary of my presentation, I have identified eight ways in which Bill 70 could be clarified and/or strengthened. I have also included suggested textual edits to Bill 70, which could be considered in potential amendments.

1. Refine the definition – “Conversion therapy” is not therapy at all, but a fraudulent and unscientific form of abuse; it is not one practice, but a set of practices deeply rooted in an anti-LGBTQ ideology.

Legislative provisions must be allowed that clearly support nonjudgmental, affirmative and accepting programs, treatments or services, which support gender affirmative care and positive identity development, which are objective, neutral, and nonjudgmental to outcome.

Open and nonjudgmental conversations are not conversion therapy and are important in identity exploration and development. No legislation should seek to restrict these kinds of open conversations, nor access to affirming treatment and care. For example, evidence-informed guidelines and standards of care are well established for providing appropriate support to transgender and non-binary youth and their families.

2. In the current legislation it could be misinterpreted by the public what is meant by a “contract”; it is vitally important to prohibit all forms of conversion therapy by way of formal contract or other means. Most conversion therapy occurs underground, via word of mouth, and often is not provided as a fee for service.
3. Legislation should also prevent any form of advertising of, or referral to, conversion therapy services. For example, what about online services that are not based in Quebec, but target Quebec residents? Third party referral should not absolve someone from liability of promoting or supporting known forms of abuse.
4. Prohibit the removal of a person from the province for purposes of conversion therapy. A strong prohibition in Quebec might not prevent access, but simply move it beyond jurisdictional purview.
5. Allow for the provincial revocation of tax-exempt status for individuals or organizations that practice or promote conversion therapy. This may be one of the strongest ways to

eradicate conversion therapy, by removing the ability to continue to receive provincial tax benefits for income or donations received.

6. An important question to ask is how will Bill 70 be enforced, especially for vulnerable young people who risk being “outed” to file a complaint, or who **may not** have the support of a parent or guardian to do so? Will a third-party complaint be allowed? What supports and training will be made available for investigation or prosecution?
7. Establish an education and compensation fund for survivors to access counselling support, and to access legal services to file a complaint. Conversion therapy targets an extremely vulnerable segment of our society. It may take years for the damage done to surface (i.e., Posttraumatic stress, ability to leave an abusive situation). There should not be any statute of limitations to seek redress or support regardless if the conversion therapy practices were criminal in nature or otherwise.
8. Develop a robust education campaign to help bring awareness about why conversion therapy is wrong and how to report abuse. Legislation is only as good as the mechanisms of enforcement and the tools provided to educate. Work with survivors and LGBTQ civil society groups to do this work. They know their communities the best.

II. Suggested Textual Edits to Bill 70

Below I have provided examples of potential textual edits to Bill 70, and related suggestions for improvement, which may help to guide suggested amendments to strengthen and clarify the legislation.

Bill 70: An Act to protect individuals from conversion therapy given to change their sexual orientation, gender identity or gender expression

EXPLANATORY NOTES

The purpose of this bill is to protect people from the harm caused by conversion therapy provided in order to induce them to change their sexual orientation, their gender identity or their gender expression.

The bill establishes that any conversion therapy is presumed to infringe the right to personal integrity and dignity. It provides that anyone who has undergone such therapy can obtain compensation for the resulting bodily or moral injury.

The bill also provides that no ~~contract~~ agreement may be entered into, free of charge or for a fee, to provide such therapy to a person, on pain of a fine.

Finally, the bill explicitly establishes that the fact for a professional to provide conversion therapy constitutes an act derogatory to the dignity of ~~his~~ their profession.

LEGISLATION AMENDED BY THIS BILL:

- Professional Code (chapter C-26).

Bill 70: AN ACT TO PROTECT INDIVIDUALS AGAINST CONVERSION THERAPIES AVAILABLE TO CHANGE THEIR SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION

THE PARLIAMENT OF QUÉBEC ENACTS THE FOLLOWING:

1. The purpose of this law is to protect people against the prejudices caused by conversion therapy, which are liable to harm their integrity and dignity.

"Conversion therapy" is understood to mean any practice, **treatment, or service** aimed at causing a person to change, **repress, or discourage** their sexual orientation, gender identity or gender expression, **or to repress or reduce non-heterosexual attraction or sexual behaviour**. However, any medical treatment or surgical intervention intended to change the sex of a person as well as the support required for this purpose is excluded. Supporting a person as part of **a non-judgmental process in** accepting their sexual orientation, gender identity or gender expression is also excluded.

2. Any conversion therapy is presumed to infringe the right to integrity and dignity of the person following it. Anyone who has undergone such therapy can obtain compensation for the resulting bodily or moral injury **without a statute of limitations**.

3. No one may ~~by contract~~, whether for a consideration or free of charge, undertake to provide a person with conversion therapy, **refer a person to conversion therapy services or programs, or advertise conversion therapy, remove a person from the province for the purposes of offering conversion therapy**, or require a person to provide such therapy to a third party.

Anyone who contravenes this section is liable to a fine of \$ 5,000 to \$ 50,000 in the case of a natural person and of \$ 15,000 to \$ 150,000 in other cases. In the event of a repeat offense, these amounts are doubled **for each occurrence**.

PROFESSIONAL CODE

4. The Professional Code (chapter C-26) is amended by inserting the following after section 59.1.1:

"59.1.2. It is also an act derogatory to the dignity of his profession for a professional to provide conversion therapy.

"Conversion therapy" is understood to mean any practice, **treatment, or service** aimed at causing a person to change, **repress, or discourage** their sexual orientation, gender identity or gender expression, **or to repress or reduce non-heterosexual attraction or sexual behaviour**. However, any medical treatment or surgical intervention intended to change the sex of a person as well as the support required for this purpose is excluded. Supporting a person as part of **a non-judgmental process in** accepting their sexual orientation, gender identity or gender expression is also excluded.

Suggested Addition:

Include provision for revocation of provincial tax-exempt status for any organization that practices or promotes conversion therapy.

5. Article 123.6 of this code is amended by replacing, in paragraph 2 of the fourth paragraph, "in article 59.1" by "in articles 59.1 and 59.1.2".

6. Article 130 of this code is amended by replacing, in paragraph 1, "or 59.1.1" by ", 59.1.1 or 59.1.2".

7. Article 158.1 of this code is amended by replacing "in article 59.1" in paragraph 2 of the second paragraph by "in articles 59.1 and 59.1.2".

8. Article 188.2.1 of this code is amended by inserting, after "59.1.1", ", 59.1.2".

FINAL PROVISIONS

9. The Minister of Justice is responsible for the application of this Act.

10. This Act comes into force on (insert the date of assent to this Act).