



May 14, 2020

**Submission of The Evangelical Fellowship of Canada  
to the Standing Policy Committee on Community and Protective Services  
City Clerk's Office, The City of Calgary**

**RE: Proposed Bylaw Banning Conversion Therapy, CPS2020-0532**

The issue of conversion therapy is one that challenges us all. Many people who have experienced conversion therapy describe despair and suicidal ideation as a lasting consequence. We recognize that initiatives to ban conversion therapy, whether at the federal or municipal level, arise from a desire to protect Canadians from such damaging effects. We share these concerns. Undoubtedly, coercive and involuntary efforts to change sexual orientation have no place within our communities. We affirm City Council's concern for the well-being of Calgarians.

At the same time, while motivated by a desire to protect individuals, many of the bans proposed across the country are so broadly worded that they infringe on freedom of expression.

We urge you to remedy the overreach in the definition of conversion therapy and to clarify that the bylaw does not capture religious instruction, parental guidance and supportive services for individuals wishing to order their sexual lives in accordance with their religious conscience, faith identity and personal convictions.

The Evangelical Fellowship of Canada is the national association of evangelical Christians in Canada. Our affiliates include churches, ministry organizations and post-secondary institutions across the country. Established in 1964, the EFC provides a national forum for evangelicals and a constructive voice for biblical principles in life and society.

**Definition of conversion therapy**

We are especially concerned that the definition of conversion therapy proposed in the bylaw is very broadly worded and goes beyond coercive change efforts to include efforts to modify or limit sexual behaviour:

“Conversion therapy” means a practice, treatment, or service designed to change, repress, or discourage a person's sexual orientation, gender identity, or gender expression, or to repress or reduce non-heterosexual attraction or sexual behaviour.

For greater certainty, this definition does not include a practice, treatment, or service that relates (a) to a person's social, medical, or legal gender transition; or (b) to a person's non-judgmental exploration and acceptance of their identity or development

This goes beyond efforts to change a person's sexual orientation or gender identity, and includes practices, treatments and services to *"discourage a person's sexual orientation... or to repress or reduce non-heterosexual attraction or sexual behaviour."*

In its inclusion of behaviour, this definition goes beyond the description of conversion or reparative therapy in most of the position statements of major associations. For example, the Canadian Psychological Association "opposes any therapy with the goal of repairing or converting an individual's sexual orientation" and states that conversion therapy refers to "any formal therapeutic attempt to change the sexual orientation of bisexual, gay or lesbian individuals to heterosexual."

As councillors may note in the list provided to them by city staff as attachment 3 of their report, *Position Statements of Major Organizations Against Conversion Therapy*, there are few definitions of conversion therapy provided. The majority of the position statements summarized in this list focus on medical treatment and the intention to change an individual's sexual orientation, but most do not address or mention sexual behaviour. In fact, the Amnesty International position summarized by city staff refers to "forced medical treatment."

The terms *"practice, treatment or service"* are not defined in the bylaw. The term "treatment" implies a medical or therapeutic context, but "practice" could include almost any activity. The terms "practice, treatment or service," while often used in a medical or therapeutic context, can be interpreted and applied various ways. As written, these terms could include voluntarily sought out support groups for those who choose to live their lives in accordance with their religious beliefs or personal convictions.

The bylaw prohibits a practice designed to discourage a person's sexual orientation, gender identity or gender expression. There are no details on what discouraging practices the bylaw is aiming to prevent. While we recognize the goal is to protect Calgarians, seeking to prevent discouragement puts the bar for freedom of expression very low.

It is of particular concern that the definition of conversion therapy includes reducing sexual behaviour. Such a broad definition could infringe on religious expression, instruction and practice, as well as parental instruction and guidance on matters of sexuality.

Most religions have teaching on how to order one's sexual life according to one's beliefs and faith identity. This religious instruction is based on sacred texts, with understandings that have been passed down by adherents through history. It is a key element of religious life and practice to learn and to share the teachings of scriptures as they relate to all areas of life, including human sexuality and sexual behaviour.

Evangelical Christianity and other Christian traditions, for example, teach that the biblical norm is abstinence until the marriage of one man and one woman. Guidance to abstain from sexual activity outside of heterosexual marriage could be considered teaching to *repress or reduce sexual behaviour* under this broad definition. The broader Canadian society may or may not agree with the teachings of religious scriptures on sexuality, but the freedom to hold, practise and express those beliefs is protected by the *Charter*. We are very concerned that this bylaw could restrict the sharing of religious instruction.

It is also unclear how this bylaw may be applied to public religious instruction, whether resources or teaching on biblical sexual ethics, such as a sermon series, would be construed to fit the definition of “a practice, treatment or service.” And since the definition of conversion therapy includes reducing sexual behaviour, programs offered in a church or ministry setting that consider sexual behaviour and promote abstinence for all teens, regardless of orientation, could be captured under this bylaw.

The EFC is very concerned that this bylaw could, by imposing severe penalties, silence public speech and programs of religious instruction about sexual morality and sexual practice.

### **Exceptions**

The definition clarifies that two areas are not to be considered conversion therapy. We have questions about how the first exception of *a practice, treatment or service that relates to a person’s social, medical, or legal gender transition* would be understood and applied.

Would this affect medical professionals’ conversations with and diagnoses of patients, and in particular, the ability of medical professionals to adopt a wait-and-see approach to gender dysphoria? Does this exemption allow only treatment in one direction toward a particular outcome, rather than allowing medical professionals to treat each unique patient before them? Or does the exemption mean any service related to gender transition, regardless of whether it results in the patient’s transition? It must be clarified whether this exception allows only efforts to assist an individual in transitioning, or whether it permits a wait-and-see approach to transition, as well as assistance to individuals wishing to detransition.

The second exception references *a person’s non-judgmental exploration and acceptance of their identity or development*.

It is unclear whether this exception in the bylaw definition is intended to refer to a person’s own moral beliefs or views on their identity or development, or whether it is intended to refer to others they may engage with in the course of their exploration or development. If the latter, this would infringe on *Charter*-protected freedoms of thought, belief, opinion or expression.

Would the proposed bylaw exempt private conversations, or expressions of personal views? The Department of Justice release on the proposed changes to the *Criminal Code* relating to conversion therapy, i.e. the changes proposed by Bill C-8, states:

“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.”<sup>1</sup>

The proposed bylaw does not provide any protection for private conversations or genuinely held personal views.

If this exception deleted the word ‘non-judgmental’ and included ‘the exploration of a person’s *sexual, gender or religious identity* and its development,’ it would recognize that these elements shape a person’s decisions and practices, and that these elements interact with one another. Canadians must remain free to order their sexual lives according to their beliefs, faith identity and personal convictions.

It seems likely that these two exemptions, as currently worded, may apply to some medical or therapeutic situations, but not all. For example, if a 12-year-old patient with rapid onset gender dysphoria requests puberty-blocking medication and surgery, they are not coming to a medical professional for identity exploration. Does the medical professional have the ability to take time to assess the patient and offer their best professional advice for the patient? The exemption in the bylaw is only for a practice, treatment or service that relates to gender transition. Would this exemption cover a medical professional’s opinion that the patient should not transition at this time? The exemption needs clarification as to which practice, treatment and service may result in penalty, and which will not.

As currently worded, the definition of conversion therapy in the bylaw risks infringing on the ability of individuals to order their sexual lives or gender identity in accordance with their personal convictions and beliefs. To reduce the risk of infringing on freedom of expression, the definition should be clarified to indicate that the following will not be considered conversion therapy:

- parental guidance on matters of gender or sexuality
- religious instruction on matters of gender or sexuality, whether private or public
- the private or public expression of sincerely held beliefs or views
- therapeutic or medical care offered to individuals voluntarily seeking support

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<sup>1</sup> Available online at <https://www.justice.gc.ca/eng/csj-sjc/pl/ct-tc/index.html>

## Definition of Business

It is also very troubling that the definition of “business” in the bylaw includes “a profession, trade, *calling* or employment.” The word *calling* is generally used to describe a religious vocation or a strong inner impulse related to divine influence.

Religious communities or ministries could be considered as an “association of persons” under the definition of “business.” Religious leaders serving their communities, such as pastors teaching their congregations, could be considered as a “business” as it is their profession, *calling* or employment. This could even apply to volunteers, as the definition would capture an activity providing services “whether or not for profit and however organized or formed.”

Given these inclusions and the broad definition of conversion therapy in the bylaw, we are gravely concerned about the potential impact on churches and ministries, in particular, that it could capture churches and para-church ministries that are carrying out legal activities.

## Conclusion

Canadians must continue to be free to order their sexual lives in accordance with their conscience, faith identity and personal convictions, and to voluntarily access support from their faith community, spiritual leaders, and other supports in doing so.

Religious institutions must remain free to teach and instruct their members and adherents in faithful practices that are part of the religious tradition.

As currently worded, this bylaw goes far beyond preventing coercive change efforts and infringes on freedom of expression and belief.

We urge you to make the following amendments:

- delete the final clause of the definition “to repress or reduce non-heterosexual attraction or sexual behaviour.”
- Add specific exclusions for religious instruction, parental guidance, a person’s exploration of religious identity and its development, and the expression of sincerely held beliefs.