

**The Association for Reformed Political Action (ARPA) Canada**

**Submission to:**

**The Legislative Assembly of Ontario  
Standing Committee on Justice Policy**

**Regarding:**

**Bill 89**

**“Supporting Children, Youth and Families Act, 2017”**

**March 30, 2017**

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## **About ARPA Canada**

The Association for Reformed Political Action (ARPA) Canada exists to educate and equip Christians for political engagement and to bring a Christian perspective to all levels and branches of government. We exist to help you promote good public policy. ARPA Canada is committed to bringing reliable scientific, social scientific, and legal research to bear on all our work. Public policy must be based on objective truth.

Public policy in Ontario regarding gender identity is not based on evidence, but ideology, a radical form of liberalism. The freedom to define your identity necessarily has limits. You cannot identify as disabled if you are not, or as a different age, race, or species than you in fact are and expect the government and society to affirm it. Why would sex be any different? The Ontario government takes it on faith that people can choose their sex, but ARPA Canada, like millions of Canadians, cannot affirm this belief. We believe in responding compassionately to gender dysphoria *without* rejecting the binary nature of the human race, a truth that is taught by the Christian faith and confirmed by scientific observation and evidence.

## **ARPA's Primary Objections to Bill 89**

BILL 89 will (if passed):

- give government the power to subject families to its view of sexual identity and morality;
- embed gender identity ideology into child and family services law;
- empower state agencies and judges to require foster and adoptive families to hold certain views regarding sexuality and gender identity as a pre-requisite for receiving children into their care;
- undermine parental authority in a child's religious upbringing; and
- increase the potential for children's aid intervention in family affairs.

QP Briefing reported (Feb 2nd) on Minister Coteau's answers to questions about Bill 89:

*"Coteau said the grounds for the apprehension or removal of a child from a home isn't changed by the bill and remain abuse and neglect, but he said, by way of example, that it could be abuse for an LGBT teen to be told their identity is wrong and they should change.*

*'I would consider that a form of abuse, when a child identifies one way and a caregiver is saying no, you need to do this differently,' he said.*

*Coteau drew a comparison of that situation with religious children not being supported in their beliefs, and said it's for those reasons the updated law would put the children's rights at the centre of decisions about their care.*

*'Can you imagine a child in care being told not to believe in Jesus Christ?' he said*

*'Abuse, is abuse, is abuse. If a child is being abused, it can come in many different forms. If it's abuse, and if it's within the definition, a child can be removed from that environment and placed into protection where the abuse stops,' he said."*

This is the Minister to whom Bill 89 grants broad authority to make regulations "governing how service providers, in making decisions in respect of any child, are to take into account the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression..." (section 316(3)).

## **Outline of ARPA's Submission to the Committee**

In **Part 1** (pages 3-6) of this submission, we place Bill 89 in the broader context of the rapid advance of ideological social policy in Ontario in the last few years.

In **Part 2** (pages 4-8), we explain our concerns regarding the implications of the bill for Ontario families. On page 6 we ask the Committee to consider some important questions.

In **Part 3** (pages 9-10), we explain that Bill 89 is not about advancing human rights or bringing child services law into better alignment with human rights law, but in fact distorts human rights and constitutional law.

In **Part 4** (pages 11-12), we recommend amendments to Bill 89.

## **Part 1: Bill 89 in Context**

Years before “Toby’s Act” (Bill 33, 2012) added “gender identity and gender expression” to the *Human Rights Code*, “trans” persons had significant legal protection against discrimination. Of course, like everyone, they were protected against discrimination based on race, age, disability, sex, religion, and so on, but as of the late 1990s, the grounds of “sex” and “disability” in the Code were interpreted to cover transgenderism and transsexualism. Human rights tribunals protected people against job loss, unfair treatment, or harassment for asking to be called by a different name, use a different washroom, or dress in a “gender non-conforming” manner.

Two years after “Toby’s Act” was passed, the Ontario Human Rights Commission released its new “Policy on preventing discrimination because of gender identity and gender expression” (2014), which beefed up its earlier policy from 2000. You may have heard this policy critiqued by Professor Jordan Peterson and others for its absurd anthropology (including the notions that gender identity varies independent of sex and that a person can change his or her sex to align with his or her gender identity) and its assault on freedom of belief and expression. According to the OHRC’s Policy, illegal conduct could include:

- “Behaviour that polices and/or reinforces traditional heterosexual gender norms”;
- “Refusing to refer to a person by their self-identified name and proper personal pronoun”;
- “Comments or conduct relating to a perception that a person is not conforming with gender-role stereotypes.”

Failure to satisfy these requirements can result in financial and other penalties such as requiring gender identity sensitivity training in the workplace. One Member of Parliament recently came to the following conclusion after reconsidering and then reversing his position on Bill C-16, which would add “gender identity” to the *Canadian Human Rights Act*:

*Some of these groups are not fighting for equality of rights and respect for sexual minorities. They are radical left-wing activists trying to deconstruct traditional social norms and impose their marginal perspective on everyone, including by forcing us to change the way we talk. And they seem to have an undue influence on campuses across North America, including here in Canada.*

Especially in Ontario. The government’s willingness to dictate how people should respond to “gender non-conforming” behaviour or, for example, demands of a biological male to be treated as a female, is striking. Yet more striking is the lack of dissent to these policies from within Queen’s Park, unlike from society. It is one thing for the government to regulate our words and behaviour in the workplace or in institutions to ensure political correctness and gender identity sensitivity. It is another for the state to reach into family life to enforce its dangerous gender identity doctrines therein. If we look back just a few years, we can see the short march of gender ideology from the *Human Rights Code* to the home.

### **Gender ideology visits the doctor (Bill 77)**

The advancement of gender ideology in increasingly radical form has serious consequences, not only for freedom of religion and expression, but also for public health. Already in 2008, the Liberals announced that Ontario would publicly fund sex-change surgeries—elective procedures that do not improve mental or physical health outcomes for persons who experience gender identity disorder.<sup>1</sup> Similarly, Ontario pays

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<sup>1</sup> C. Dhejne et al., “Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden”, Feb. 22, 2011, online: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>.

for puberty-blocking drugs and cross-hormone treatments, which can cause life-long sterility.<sup>2</sup> Such treatments can cost thousands of dollars per person per year. Yet studies indicate that chemical and surgical impersonation of the opposite sex is associated with negative health outcomes and high suicide rates, even in parts of the world that are considered the most “trans affirming”.<sup>3</sup> In an astonishing move, in 2015, Ontario prohibited less drastic, alternative therapies, with Bill 77.

Most children struggling with gender dysphoria (>80%) outgrow it in their teens. Chemically interfering with normal sexual development on the basis of a political ideology is the real child abuse. Requiring affirmation of a transgender identity can result in a failure to address co-occurring psychiatric disorders.<sup>4</sup>

Dr. Kenneth Zucker was Psychologist-in-Chief at Toronto’s Centre for Addiction and Mental Health, Head of the Gender Identity Service for 30 years until 2015 (when his clinic closed under political pressure), and internationally recognized as an authority in this field. Dr. Zucker helped children work through their gender identity disorder, being convinced that affirming and socially conditioning children to identify as the opposite gender is usually not the best path. Dr. Joseph Berger, Consulting Psychiatrist and Fellow of the Royal College of Physicians and Surgeons of Canada, and Professor of Psychiatry at the University of Toronto, said that scientifically there is no such thing as a man trapped in a woman’s body or vice versa.<sup>5</sup>

Not content to fund “sex reassignment” surgery and cross-hormone treatments, MPPs voted to prohibit alternative treatment methods for gender identity disorder. Bill 77 went from second reading to Royal Assent in only three months. It dictates medical policy in the name of political correctness, removing legitimate options for parents and children. One such option was provided by renowned child psychiatrists Dr. Kenneth Zucker and Dr. Susan Bradley, who hold that encouraging children to be comfortable with their birth sex helps prevent long-term psychopathological problems. Dr. Zucker was removed from his Toronto clinic following Bill 77. More than 500 researchers and clinicians signed a petition in support of him. But dissenting voices are too often ignored where a craze captures media and political support.

When politicians and others blame the high rates of mental illness and suicide among transgendered persons on lack of social acceptance, we see their bias at work. Transgender individuals have high rates of mental illness and attempted suicide even in the most trans-affirming regions. The notion that active affirmation of transgender identity is the solution is an ideological position not rooted in evidence. Yet the Ontario government would force this view on everyone.

### **Gender ideology goes to school (Bill 13)**

Meanwhile, transgenderism and transsexualism are being normalized in schools. Bill 13 (2012) defined bullying in a manner that focused on “power imbalance” between bully and victim based on factors having

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<sup>2</sup> Dr. Norman Spack, an endocrinologist at the Children’s Hospital in Boston, explains that “taking testosterone or estrogen immediately after blocking puberty will make a teenage patient sterile... At what age can a young person fully understand the implications of doing something that will make fertility for them... virtually impossible?” *NPR*, “Parents Consider Treatment to Delay Son’s Puberty” (May 8, 2008) online: <http://www.npr.org/templates/story/story.php?storyId=90273278>.

<sup>3</sup> *Supra* note 1.

<sup>4</sup> Meybodi et al., “Psychiatric Axis I Comorbidities Among Patients with Gender Dysphoria”, *Psychiatric Journal*, Volume 2014, online: <https://www.hindawi.com/journals/psychiatry/2014/971814/>.

<sup>5</sup> Written testimony of Dr. Joseph Berger to the House of Commons Standing Committee on Justice and Human Rights, regarding Bill C-279 (41st Parl, 2nd Sess: 2013).

little to do with the actual motivating factors for bullying, including gender identity and expression. It also mandated that school boards promote a positive school climate inclusive of all students, “including pupils of any “race ... sex, sexual orientations, gender identity, gender expression, age, marital status, family status or disability” and that boards (including Catholic boards) permit LGBT-positive clubs to be active in their schools and to use the name “gay-straight alliance”.

School boards now cite Bill 13 and Bill 33 (2012) as the basis for their policies. The Toronto District School Board’s policies are typical:

- “All students, including transgender and gender non-conforming students have the right to be addressed by a preferred name and pronouns [...]. This is true regardless of whether the student has obtained a legal name or sex designation change.”
- “Employees who wish to use pronouns other than the masculine or the feminine (such as ‘ze’, ‘hir’ and ‘they’) need to be accommodated equally.”
- “School staff must ensure students can exercise their right to participate in gender segregated sports and physical education class activities in accordance with each student’s gender identity.”
- “[S]chool board and school staff are expected to challenge gender stereotypes and integrate trans-positive content into the teaching of all subject areas. [...] Librarians must acquire trans-positive fiction and non-fiction books for school libraries and encourage the circulation of books that teach about gender non-conforming people.”
- “School leaders should make an effort to hire and retain transgender and gender non-conforming staff. TDSB policy and Provincial legislation requires school board leaders to ensure staff are educated in gender diversity, advocacy and anti-transphobia education, in challenging gender stereotypes, and in using gender neutral and inclusive language.”
- “A school should never disclose a student’s gender non-conformity or transgender status to the student’s parent(s)/guardian(s)/caregiver(s) without the student’s explicit prior consent.”
- “All students have a right to safe restroom facilities and the right to use a washroom that best corresponds to the student’s gender identity, regardless of the student’s sex assigned at birth.”

Pushing the idea that gender varies independent of sex and that children may fall anywhere along a gender spectrum confuses children. Children have a limited capacity for exercising autonomy. How they self-identify will inevitably be shaped by what they are taught. Given how recent the policy changes in this area are, there is a lack of reliable data and long-term studies on their impact. There are, however, credible reports that more children are struggling with identity issues. In November, the *National Post* reported that doctors are seeing a steady increase in referrals for young children experiencing gender dysphoria. *The Independent* in the UK, where similar policies have been advanced, reported last year that the latest figures from the Gender Identity Development Service (GIDS) revealed that the number of children referred to GIDS increased from 94 in 2009-2010 to 969 from April to December of 2015.

All persons have dignity and intrinsic worth. All people are equal. Nobody should be bullied, mistreated, assaulted, or harassed. But that does not require affirming transgenderism as healthy and good. Ontario’s human rights tribunals first began protecting trans persons on the ground of disability. Gender dysphoria (recently changed from “gender identity disorder”) remains in the DSM-5 psychiatric diagnostic manual. We don’t need to affirm a disorder as normative in order to treat with dignity those who struggle with it. What causes gender dysphoria is not well understood, but environmental factors can play a role. Teaching tools such as the “Gender Unicorn” for very young children are disorienting. New educational resources tell children their “gender identity” does not need to match biological sex. “Only you know whether you are a boy a girl,” *The Gender Fairy*, a “trans-positive” book tells children. “No one can tell you.

## Gender ideology comes home (Bill 89)

This brings us to Bill 89. This government apparently takes its cues for children's law from the "Gender Fairy". Replying to questions on the bill, which adds gender identity and expression as factors to be weighed in determining a child's best interests, Minister Coteau, said, "I would consider that a form of abuse, when a child identifies one way and a caregiver is saying, no, you need to do this differently" (*QP Briefing*, Feb. 2, 2017). Don't tell your son he's a boy. That's up to him (her, them, or zir).

"Abuse is abuse is abuse," Minister Coteau says. "If a child is being abused, it can come in many different forms. If it's abuse and if it's within the definition, a child can be removed from that environment and placed into protection where the abuse stops." What definition is he talking about? Neither the current Child and Family Services Act nor Bill 89 define abuse. Rather, the term appears in the provision that describes a "child in need of protection". A child in need of protection includes a child who has suffered emotional harm where there are reasonable grounds to believe that the harm resulted from the actions, failure to act, or pattern of neglect on the part of the parent or caregiver. It also includes a child at risk of suffering mental or emotional harm whose parents or caregivers do not provide treatment. But what if the parents find the state-approved "treatments" inappropriate or harmful? What are they to do?

### ***Here are a few questions this Committee should consider:***

- How would factoring in "race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression" have protected Katelynn Sampson or Jeffrey Baldwin?
- Did the **2015 Coroner's Jury Verdict**, which contained 173 recommendations for improving child protection services in Ontario, ever mention the above list of personal characteristics?
- Did the **Auditor General of Ontario's 2015 Report** on child protection services, anywhere mention or recommend adopting the above list of identifying characteristics?
- Might directing children's aid society workers and others to factor in and make decisions based on the above list of identifying characteristics distract from what is really important?
- If a boy says he is a girl and his parents insist he is not and try to help him accept that he is a boy, is that child abuse?
- If a child struggling with gender dysphoria wants to start taking puberty blockers and a parent is opposed, should the state intervene?
- Should the Minister be granted broad regulatory power to decide such matters?
- How does the Minister intend to use the broad regulatory power that Bill 89 would afford to him?
- How will freedom of conscience, religion, and expression be accounted for in decision making?
- How can the legislature ensure that families who do not share its views on matters of sexuality and gender will not effectively be excluded from fostering and adopting?

ARPA has heard the argument that Bill 89 brings the *Child and Family Services Act* into line with the *Human Rights Code*. We explain why this is mistaken in Part 3, after explaining some issues with Bill 89 in Part 2.

## **Part 2: ARPA's Concerns Regarding Bill 89**

Bill 89 would require child protection, foster, and adoption service providers and judges to take into account and respect a child's "race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression" when making decisions with respect to a child.

Bill 89 changes the matters to be considered in determining the best interests of children. The "religious faith, if any, in which the child is being raised" is removed. The above list of factors, which includes "creed" alongside "gender identity", takes its place. Accordingly, Bill 89 also removes the requirement that a court determine, early in a child protection hearing, the religious faith in which the child is being raised.

The above list – not just the gender identity and gender expression part – has never been part of this law. Rather, the following principles governing children's services have sufficed: respecting a child's need for continuity of care and stable family relationships, involving the child and his or her relatives and community members, and respecting cultural, religious, and regional differences (*CFSA*, s. 3).

As for fostering and adopting, what will happen to those who do not affirm the prevailing gender identity ideology? As we saw following Bill 13 – which added the *Human Rights Code* list of identifying characteristics to the *Education Act* – Bill 89 will likely be followed by "trans-positive" regulations and policies mandating how people are to speak about and respond towards gender dysphoria in children.

Moreover, children of parents who refuse to affirm such ideology may be considered "in need of protection". Where "the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent ... does not provide treatment or access to treatment", or where "there is a risk that the child is likely to suffer emotional harm [anxiety, depression, withdrawal, self-destructive behaviour, or delayed development] and the child's parent ... does not provide services or treatment or access to services or treatment," such a child is "in need of protection" under the law. And affirming a child's "gender identity and gender expression" is an integral part of the child's "best interests" under Bill 89, despite medical evidence to the contrary.

Social transitioning (changing a child's name, using new pronouns, giving the child new clothing) and more drastic measures like hormone treatments are unacceptable to many parents. Yet these are considered the appropriate treatments for the mental and emotional suffering associated with gender dysphoria. Failure to provide them would therefore be failure to provide treatment or access to treatment.

Bill 77 was and remains a dangerous overreach. Together with Bill 89, Ontario will have the legal foundation in place for an aggressive push of gender ideology into Ontario homes. It is already being pushed aggressively in schools, through Bill 13 and related school policies. As children take that ideology home with them, it seems the government wants to be able to make sure their parents accept it.

The bill also raises questions about parental authority. The law currently states that the parent of a child in care retains the right "to direct the child's education and religious upbringing." Bill 89 changes this to say, "to direct the child or young person's education and upbringing, in accordance with the child's or young person's creed, community identity and cultural identity." In the new phrasing, parental authority appears to be limited by the "child's creed" – or whatever the child says his or her creed is or is not.



### **Why account for “religious faith” but not “gender identity and gender expression”?**

Why should the state consider “the religious faith, if any, in which the child is being raised” when providing child services, as the current *Child and Family Services Act* requires, but not factor into its decision making about the child’s care all of the personal identifying characteristics listed in the *Human Rights Code*?

In “the religious faith, if any, in which the child is being raised”, the religious faith (*if any*) is part of the manner of the child’s upbringing. Is it not necessarily the child’s subjectively, in the sense of being autonomously chosen. Under Bill 89, the child’s “creed” is theirs to choose. The difference is between considering how a child defines himself or herself (which a young child has a limited capacity to do) and considering *how a child is being raised* for the sake of continuity and stability.

The faith (if any) in which the child is *being raised* involves action, the habits of one’s upbringing. It is reasonable that this should inform how the state would deal with a child who lost his or her parents, or is in need of temporary care or an adoptive home for some other reason. Current law similarly takes into account the child’s “cultural background,” which will also inform how a child is being raised.

Bill 89 instructs child services, foster and adoption agencies, judges etc. to instead make decisions based on the child’s identity, consisting of “race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression.” Some of these characteristics are immutable and some are not. For those that are mutable, should state actors account for potential changes in a child’s self-identity down the road (thus precluding placing young cis-gendered children in the care of people who would not actively affirm them if they became trans later, for example)? Also, it is not clear how each of the characteristics listed should be weighed and how they will play into decision making about a child’s care. Bill 89 simply leaves it to the Minister to fill in the blanks (s. 316(3)).

### **Potential for greater children’s aid society intervention?**

The *Child and Family Services Act* has as a guiding principle (in section 1) that service providers should take “the least disruptive course of action that is available”. Bill 89 keeps this phrase, but adds, “including the provision of prevention services, early intervention services and community support services”. The implication is that intervention is not to be presumed more disruptive than non-intervention. It is basic rule of statutory interpretation that language is added or changed for a reason. Of course, early intervention may be helpful, depending on the circumstances and the nature of the intervention. Legislators should ensure that it is clear when “early intervention” is justified, what it may or may not entail, and that there is adequate independent oversight of child protection services.

### **Part 3: Bill 89 and the Human Rights Code**

Here we examine the claim that Bill 89 is needed in order to bring Ontario's child services law into better alignment with human rights law.

Yes, Bill 89 incorporates the list of protected personal characteristics (race, age, sex, sexual orientation, gender identity, etc.) from the *Human Rights Code*, but it divorces this list from its statutory context, which limits its application to housing, employment, and service provision, and includes protections for freedom of conscience and religion.

In sections 1 to 6, the *Code* specifies that it applies to services, housing, employment, and membership in labour and professional associations. Section 14 permits programs designed to serve specific disadvantaged groups to discriminate. Section 18 allows religious, educational, and other institutions to serve the interests of their members in accordance with their beliefs. Section 18.1 says religious officials are not required to solemnize a marriage that would be contrary to their beliefs. Section 19 preserves separate (Catholic) school rights. Section 21 says you can discriminate in choosing who can rent your shared living space. Section 22 authorizes insurance providers to discriminate for good faith reasons. Section 24 permits religious, philanthropic, and other institutions to discriminate in hiring and employment for good faith reasons. These sections all describe lawful forms of discrimination. Such provisions honour fundamental freedoms of belief, religion, expression, and association.

Moreover, there are spheres of life where the *Code* simply does not apply, such as in your personal and family life. You are free to marry whom you wish. You are free to teach your children what you wish, to encourage them to learn and to do certain things and spend time with certain people and not others. You have the right to help your child through the difficulties of life as you see fit, subject only to demonstrably justified limits on that freedom, such as where a child is objectively harmed by mistreatment or neglect.

#### **Equality provisions require context**

The Child and Family Services Act, which Bill 89 would replace, has never included the long list of protected personal characteristics found in the Human Rights Code (nor has any other statute in Ontario before Bill 13 amended the *Education Act* in 2012). Adding this list of "identifiers" from the *Human Rights Code* is not only unnecessary – the *Human Rights Code* already applies to children's aid societies, adoption agencies, etc. – it is also fundamentally unsound. It prioritizes equality (or the state's view of what equality demands) over freedom of conscience, religion, and expression. And it extends the application of the state's controversial equality doctrines from employers and service providers to parents and caregivers.

The only statute this list appears in today is the *Education Act*, which, since Bill 13 amended it in 2012, requires school boards to "promote a positive school climate that is inclusive and accepting of all pupils ... of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability." In 2012, the Opposition voted against Bill 13 and put forward their own bill to address bullying in all its forms, a bill that was not preoccupied with "perceived power imbalance based on the aforementioned individual factors," as one Opposition MPP explained during debate in the legislature.

One school board has relied on Bill 13 in defense of its decision to deny a parent's request for notification when controversial topics are taught to his children, particularly regarding matters of sexuality. The Board argued, successfully (2016 ONSC 7313, though the ruling is being appealed), that allowing a child to leave the classroom when controversial matters regarding sexuality are taught would be contrary to "values of

inclusion” and lead to “feelings of exclusion or marginalization by students.” This is a stunning reversal of the Ontario Court of Appeal’s finding in *Zylberberg* (1988) that a student whose beliefs motivated him to request to leave the classroom would be the one who felt singled out and excluded.

Bill 89 lacks a full consideration of the *Charter of Rights and Freedoms* and the *Human Rights Code*.

### **How are “gender identity and gender expression” to be incorporated into child services?**

So what practical effects will the addition of the *Human Rights Code* list have? Bill 89 itself is vague on details, but would give the Minister extensive power to make regulations “governing how service providers, in making decisions in respect of any child, are to take into account the child’s race ... sex, sexual orientation, gender identity and gender expression”. In short, the Minister gets to decide on the details, without consulting the legislature. That understandably makes many people uncomfortable.

Even if the Minister was stretching the legal definition of abuse or neglect under Bill 89 with his disturbing comments (quoted on page 2 of this submission) – and it is not clear he was – he should be questioned on those comments anyway. He is the Minister to whom Bill 89 would grant extensive regulatory power.

ARPA has spoken to foster parents who say they already feel they must avoid sharing their views on transgenderism for fear of being excluded from providing foster care. Who in Queen’s Park is willing to speak up for them?

### **Children wronged by government’s idea of “human rights”**

You’ve probably heard about how employers and service providers can be penalized for refusing to use a person’s preferred pronoun or for “reinforc[ing] traditional heterosexual gender norms”, according to the Ontario Human Rights Commission. Thankfully, the *Human Rights Code* does not tell you how to raise your children. It does not apply to parents. But Bill 89 extends the “trans-affirming” mandate into the family.

Last year, Dr. McHugh published a study with Dr. Lawrence Mayer, Ph.D., scholar in residence in Psychiatry at John Hopkins and professor of biostatistics at Arizona State University. They concluded that there is little scientific evidence for the therapeutic value of interventions to delay puberty or modify the secondary sex characteristics of adolescents and no evidence that all children who express gender-atypical thoughts or behavior should be encouraged to become transgender. They also noted that sex-reassigned individuals were about 19 times more likely to die by suicide compared to control groups.

The *National Post* reports that “an increasing number of children as young as preschoolers [are] appearing at gender identity-clinics across the country, convinced they are of the opposite sex.” It’s no wonder, given that schools must teach children that their gender is unique to them and may fall anywhere along a spectrum of genders. Yet we are supposed to trust that, as gender ideology is pushed in schools and more children become confused and distressed about their bodies, that adding “gender identity” to child services law is in the best interests of children and is a human rights necessity.

If the government’s policies promote sexual confusion and favour surgical abuse<sup>6</sup> to the gentler approach like that of Dr. Zucker, maybe its understanding of human rights has gone terribly wrong.

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<sup>6</sup> Professor John Whitehall, “Gender Dysphoria and Surgical Abuse”, *Quadrant Online*, Dec 15, 2016, online: <https://quadrant.org.au/magazine/2016/12/gender-dysphoria-child-surgical-abuse/>.

## **Part 4: Recommended Amendments to Bill 89**

1. Remove **sections 1(2)3.(iii) and 316(3)2.**
2. Return **section 1(2)4.** to the language of the current Act:  
*Wherever possible, services to children and young persons and their families should be provided in a manner that respects cultural, religious, and regional differences.*
3. Return **section 73(3)4** to the language of the current Act:  
*4. ~~The child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression.~~ The religious faith, if any, in which the child is being raised.*
4. Return **section 106(2)(b)** to the language in the current Act:  
*(2) The society having care of a child shall choose a residential placement for the child that,  
 (a) represents the least restrictive alternative for the child;  
 (b) where possible, respects the religious faith, if any, in which the child is being raised  
~~the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, creed, sex, sexual orientation, gender identity and gender expression~~*
5. Return **section 176(2)4** to the language of the current Act:  
*(2) Where a person is directed in this Part [**Adoption**] to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that the person considers relevant:  
 ...  
 4. the religious faith, if any, in which the child is being raised ~~the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, creed, sex, sexual orientation, gender identity and gender expression;~~*
6. Return **section 13(a)** the language of the current Act:  
*Subject to subsection 91 (7) and sections 107 and 108 (custody during adjournment, interim and extended society care), the parent of a child in care retains any right that the parent may have,  
 (a) to direct the child's or young persons' education and religious upbringing, in accordance with the child's or young person's creed, community identity and cultural identity; and*
7. Return **section 87(2)** to the language of the current Act:  
*(2) As soon as practicable, and in any event before determining whether a child is in need of protection, the court shall determine,  
 (a) the child's name and age;  
 (b) the religious faith, if any, in which the child is being raised;  
 (b) (c) whether the child is a First Nations, Inuk or Métis child and, if so, the child's bands and First Nations, Inuit or Métis communities; and  
 (c) (d) where the child was brought to a place of safety before the hearing, the location of the place from which the child was removed.*

8. Add a **section 73.1** in Part V (Child Protection) of the bill:

**Clarification: gender dysphoria**

**73.1** *Nothing in this Part requires a parent or caregiver*

*(1) to actively affirm or to socially condition a child in a gender identity that is incongruent with the child's birth sex; or*

*(2) to provide or facilitate access for a child or young person to medical services that are not medically necessary, including puberty inhibitors and cross-hormone treatments as treatments for gender dysphoria;*

*and failure to do so shall not be considered grounds for finding that a child is in need of protection within the meaning of subsection 73(2).*

9. Add a subsection (4) to **section 1** of the bill:

*(4) Nothing in this Act affects the constitutional freedoms of conscience, religion and expression, and in particular, the freedom of parents to hold and to teach their children their conscientious or religious beliefs with respect to matters of sexual identity and morality.*

10. Repeal Bill 77 (41st Parliament, 2nd Session: 2015).