

September 21, 2020

**TO:** The elders of Christian congregations in Canada

**RE: Criminal ban on “conversion therapy” and legal implications for your pastoral ministry**

Dear brothers,

God be with you! The staff at ARPA Canada have been in prayer for you as you pastor the flock that is your charge during these difficult times.

Brothers, I write to you with some urgency to inform you of a bill expected to be reintroduced in the House of Commons this fall that will impact the gospel ministry of the church. The federal Liberal government has promised to criminally ban “conversion therapy”.

The bill’s predecessor, Bill C-8 (which was before Parliament earlier this year and will likely be reintroduced verbatim) defines conversion therapy as any “practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour.”

In case that is unclear, let me apply it directly to your work. This bill, if passed as written, would make it a *criminal offence* to help a person struggling with their sexual orientation (e.g. a same-sex attracted Christian) or sexual thoughts or behaviour (e.g. watching gay porn) or gender identity (e.g. believe they are a man trapped inside a female body) to bring their thoughts, words, and deeds into conformity with the Word of God. But the pastor or counsellor would be free to encourage a man to explore same-sex desires or experiment with same-sex behaviour. Similarly, encouraging a teen girl to love and appreciate and care for the female body God designed and paired with her soul would be a criminal act. But the opposite (encouraging or experimenting with change from cisgender to genderqueer, nonbinary, transgender, etc.) is permitted.

**A major flaw of conversion therapy bans is that they lump together body-affirming counselling with other out-dated, harmful forms of conversion therapy.** Body-affirming counselling emphasizes that sexual orientation and gender identity are normatively linked to biological sex. This counselling involves the counsellor and client collaboratively exploring the unwanted sexual orientation or gender dysphoria and then defining the problem, the desired outcomes, and the path they will take to achieve those outcomes. If the client disagrees with their counsellor’s assessment, methods, or outcome(s), they can terminate their participation.



To limit its scope, the proposed law does not prohibit services or treatments related to a person's "gender transition" (e.g. cross-sex hormones) or to a person's "exploration of their identity" (vague, but likely contemplating "LGBT-friendly" counselling or psychiatric services).

Most of the legislation is focussed on *how* conversion therapy would be restricted. The legislation proposes to ban conversion therapy in five ways. It would prohibit:

- providing conversion therapy to a minor (anyone under 18);
- taking a minor outside the country to receive conversion therapy;
- causing a person (minor or adult) to undergo conversion therapy "against their will";
- profiting from providing conversion therapy; and
- advertising conversion therapy.

The bill would also give the police the same powers to seize and censor advertisements for "conversion therapy" that they have in relation to child pornography.

The penalties for these offences include a maximum sentence of 5 years in prison and/or a hefty fine. And, in the *Criminal Code*, an "offence" means not only doing the deed, but also:

- (1) attempting it,
- (2) aiding or abetting it (e.g. an elder setting up a meeting with a Christian counsellor for a ward member),
- (3) counselling someone to commit the offence (e.g. a pastor teaching and encouraging an elder on how to counsel a member of their ward), or
- (4) being an accessory after the fact.

This (#2 in particular) means that if you, as a consistory, decide together to proceed with biblical counselling around sexuality, you are *all* potentially criminally liable, even if only the pastor is doing the counselling.

It is difficult to describe the scope of the proposed criminal ban on conversion therapy with precision because the terms "practice, treatment, or service" are not defined. It seems plain, however, that it would apply beyond services provided by regulated health professionals or licensed counsellors (other parts of the *Criminal Code* speak of *medical* practitioners and *medical* treatment, but not Bill C-8). What we would likely see is a progressive implementation of the ban, with police and prosecutors choosing the clearest cases early on, then using these precedents to pursue less obvious cases.

Justice Minister David Lametti explained his rationale for the ban, saying: "Conversion therapy is premised on a lie, that being homosexual, lesbian, bisexual or trans is wrong and in need of fixing. Not only is that false, it sends a demeaning and a degrading message that undermines the dignity of individuals." And Bill C-8 states in its preamble: "conversion therapy ... is based on and propagates myths and stereotypes about sexual orientation and gender identity, including the myth that a person's sexual orientation and gender identity can and ought to be changed." This language suggests that the government's goal with this bill is to suppress particular religious beliefs (i.e. "myths") and protect and promote other religious beliefs (i.e. secular humanist and gnostic beliefs) around anthropology, sexuality, and identity.



Brothers, as Christians, we recognize that same-sex sexual desires and conduct, like any sexual desires or conduct that do not conform to God's norms, are wrong and we must repent of them. We also know that human dignity, our intrinsic worth, does not depend on which sinful impulses we give in to (or not) or repent of (or not). And we recognize the plain and obvious truth that many people can change and have changed their "gender identity" or "sexual orientation", sometimes more than once. For example, many people – Christian or not – have regretted adopting a "transgender" identity and have "de-transitioned" back. Out of love and concern for the members of our flock who are struggling with who they are or where they belong, we cannot abandon them to the dominant and destructive ideas of this age.

If this bill passes unamended, aspects of your ministry (to youth in particular) in an age of sexual confusion would be criminalized. Not only do you face fines and prison time should you continue with biblically faithful counselling, it would be a very simple and logical next step to remove your church's charitable status: why would the CRA give tax receipts to a criminal organization? Through all this, the gospel witness would be marginalized, preventing more from hearing and experiencing the joy and freedom found in Christ Jesus.

But brothers, do not lose heart. God has not given us a spirit of fear, but of power and love and self-control. The power of the gospel is to save. Do not let bad laws stop you from doing the work God has called you to.

In light of the preceding, I ask you to consider doing the following:

1. Be in prayer, privately and corporately, asking God to preserve our freedom to boldly proclaim and apply the gospel to all of life and to protect vulnerable children from the destructive, isolating, and pagan ideas of secular humanism;
2. Inform yourself by reading an article I drafted on religious conversions and conversion therapy [available here](#) and digging deeper into conversion therapy by reviewing ARPA Canada's policy report on the topic, available [online here](#);
3. Pastors and elders (and denominations) should carefully address the subject – if they have not done so already – preferably in writing. Be clear about what you do, what you must do and what you will do regardless of what the law on conversion therapy might be. This statement can be put to the government the next time the bill comes up, or to a police officer if you are ever investigated or to a judge should you ever be charged.
4. Share the attached Conversion Therapy action sheet with your congregation, with an encouragement for members to act on the calls to action therein;

May we continue to pray and labour that God's perfect will, not man's fallen will, may be done here on earth as it is in heaven.

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# THE CRIMINALIZATION OF **CONVERSION THERAPY:** TALKING POINTS AND ACTION ITEMS

In the last Parliament, the federal government introduced legislation to criminalize “conversion therapy” in Canada. Although Bill C-8 died due to prorogation, we fully expect the government to re-introduce the same bill to ban conversion therapy.

Proposed bans on conversion therapy will reduce the availability of psychological help for children, teens, and adults; negatively impact spiritual counselling, teaching, and mentoring on questions of identity and sexual ethics; and chill religious freedom.

The previous legislative proposal defined “conversion therapy” as “a practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour.” It appears that “conversion therapy” to change one’s sexual orientation from heterosexual to non-heterosexual is exempt.

This definition is far too broad and does more harm than good. Intentionally or not, this definition captures helpful counselling and psychological support for

children, teens and adults struggling with gender dysphoria. It also captures spiritual counselling around sexual ethics and identity. Any proposal to ban conversion therapy must clarify that these practices are not conversion therapy.

Without this clarification in law, conversion therapy bans like the late Bill C-8 may make it a criminal offence for parents to bring their child to counselling to address gender dysphoria. It would be a criminal offence to help their child be comfortable in their own skin. The penalty (for both the counsellor and the parent) is up to 5 years in jail.

Some politicians claim that parents and pastors may still have conversations with children about sexuality. But these conversations must be, according to the Minister of Justice David Lametti, “open-ended and exploratory.” In other words, when it comes to determining “who you are,” a parent or a pastor cannot give direction or concrete answers to a child.

Here are some talking points from ARPA Canada to help you speak about this issue:

- > We affirm the inherent dignity and worth of each individual. Every person is a unique creation made in the image of God. Because of this belief, we love all individuals and want them protected in law.
- > Children are our number one concern. We want to ensure that all children, including those struggling with gender dysphoria or dealing with childhood trauma, get all the help they deserve without any interference from the civil government.
- > The Christian community supports the ban on conversion therapy where conversion therapy is properly and precisely defined. The criminal law must only capture truly coercive and dangerous types of conversion therapy.
- > The professional help of children, teens, or adults who are struggling with gender dysphoria and parental and pastoral counselling are not forms of conversion therapy. Likewise, religious instruction promoting healthy sexuality in line with biblical teaching is not conversion therapy. Any ban on conversion therapy must not lump the helpful with the harmful.
- > Those who promote overly broad conversion therapy bans encourage children to unquestioningly embrace their self-perceived gender identities or sexual orientations, despite the fact that these identities are mutable and likely to change through adolescence.





# So, what can **YOU** do?

## ACTION ITEMS

**1. Pray:** Almighty God, please preserve our freedom to share the truth around gender and sexuality with fellow Canadians. Preserve our freedom so that we can offer help and answers to those struggling with questions about their identity and sense of belonging. And inspire us as individuals and churches to use this freedom and not squander it.

**1. Pray Again:** Glorious Father, please protect vulnerable children from abuse and exploitation, particularly from those pushing radical “gender reassignment” for the young. Frustrate the work of the devil and bring the evil of bodily mutilation to a halt. Protect children from confusing and unsettling ideas and may they

find belonging in healthy families and communities, and peace and acceptance with the beautiful body that you have created for them.

**3. Inform yourself:** Read up on conversion therapy (what it is and isn’t). A helpful resource is ARPA Canada’s Fall 2019 policy report on conversion therapy, freely available online at [ARPACanada.ca/publications](http://ARPACanada.ca/publications).

**4. Write your MP:** Take fifteen minutes to write an EasyMail to your MP. Conversion therapy is not a topic that most MPs know a lot about, so your communication with them on this topic can be especially effective. This is just as important if your MP is a Liberal or New Democrat. Ask your MP to clarify that pastoral

counselling, parental conversations, and professional help to address gender dysphoria are not forms of conversion therapy.

**5. Write a Letter to the Editor:**

Take fifteen minutes to write an EasyLetter to your local newspaper editor. Letters to the editor can reach a large number of people in your local community and even across Canada. Christians need to provide an alternative narrative to the media’s constant condemnation of spiritual counselling.

For assistance in how to complete these action items please contact ARPA’s Federal Manager, Colin Postma  
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