

Ban on Conversion Therapy in Canada

Canada's *Criminal Code* bans conversion therapy across the country.

What is conversion therapy?

Conversion therapy means a practice, treatment or service designed to do one or more of the following:

- change a person's sexual orientation to heterosexual
- change a person's gender identity to cisgender
- change a person's gender expression so that it conforms to the person's sex assigned at birth
- repress or reduce non-heterosexual attraction or sexual behaviour
- repress a person's non-cisgender gender identity
- repress or reduce a person's gender expression that does not conform to the person's sex assigned at birth

A practice, treatment or service refers to an established or formal intervention offered to the public or a group of people.

Conversion therapy **does not include** practices, treatments or services that do not assume one sexual orientation, gender identity or gender expression is preferred to another. Conversion therapy also does not include simple conversations about gender, gender identity or gender expression. For example, a conversation between a parent and child would not be conversion therapy unless it is part of a formal intervention such as a talk therapy session.

The law focusses on the purpose of the practice, treatment or service rather than who provides it and what it is called. A variety of people – such as parents, church leaders, coaches, mental health professionals or teachers – may try to provide conversion therapy. Conversion therapy may also be disguised as simply counselling or life coaching. If the purpose is the same as described above, then the practice, treatment or service is still conversion therapy under the *Criminal Code*.

DEFINITIONS

Cisgender is a person who identifies with the gender they were assigned at birth.

Gender refers to the roles, behaviours, activities, and attributes that a society may construct or consider appropriate for the categories of "men" and "women".

Gender expression refers to the ways in which people choose to express their gender identity, such as through clothes, voice, hair, make-up, etc.

Gender identity is an internal and deeply felt sense of being a man or woman, both or neither. A person's gender identity may or may not align with the gender typically associated with their sex.

Heterosexual means being sexually attracted to people of the opposite sex.

Sex refers to a person's biological and physiological characteristics, most often assessed at birth.

Sexual orientation is about a person's physical, emotional or romantic attraction to others.



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Criminal Offences

There are four criminal offences related to conversion therapy. They are all **hybrid offences**, meaning the Crown prosecutor decides whether to proceed with the offence as a summary conviction offence or an indictable offence.

A **summary conviction offence** is a less serious offence with a simpler process.

A person guilty of a summary conviction offence can be fined up to \$5000, jailed for up to two years less a day, or both. An **indictable offence** is more serious - the penalties are more severe and the court process is more complex.

The crime	The time
Making someone undergo or providing conversion therapy <i>Example: A person who plays an active role in subjecting another person to conversion therapy, including by providing conversion therapy</i>	Up to 5 years in jail (for an indictable offence)
Promoting or advertising conversion therapy <i>Example: A person who advertises conversion therapy services, such as online, or who actively supports conversion therapy</i>	Up to 2 years in jail (for an indictable offence)
Receiving a financial or other material benefit if that benefit comes from providing conversion therapy <i>Example: A person receiving fees knowing that it comes from providing conversion therapy</i>	Up to 2 years in jail (for an indictable offence)
Doing anything for the purpose of removing a child under 18 years from Canada with the intent of having them undergo conversion therapy somewhere else <i>Example: A parent taking a child to get conversion therapy in another country, even if conversion therapy is legal in that place</i>	Up to 5 years in jail (for an indictable offence)

A judge can also issue several kinds of court orders to seize any materials they believe are advertisements for conversion therapy.

Help is Available

If you or someone you know is experiencing conversion therapy or a harm related to conversion therapy, help is available:

- report your concerns to the police at 911
- find local supports by calling 211, texting INFO to 211 or chatting online at <http://ab.211.ca>

Learn more about conversion therapy at www.cplea.ca/criminal/