

Canada Bans 'Conversion Therapy'

The law, which takes effect on Friday, puts Canada in the company of more than a dozen countries that have banned the widely discredited practice.



By Christine Hauser

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A Canadian law banning so-called conversion therapy is poised to go into effect on Friday, making it a crime to provide or promote services intended to change or repress a person's sexual orientation or gender expression.

With the new law, Canada's criminal code will prohibit forcing someone to undergo conversion therapy; taking a minor abroad to take part; and profiting from, promoting or advertising the practice. Violations can draw sentences of up to five years' imprisonment.

"This is an incredibly important step to making sure queer and trans people in Canada feel valid and deserving of full protection," said Michael Kwag, a policy director at the Community-Based Research Center in Toronto, which researches the health of people of diverse sexualities and genders.

"It also sends a strong message to the entire country that any attempt to change, deny or suppress the identity of queer and trans people is wrong," he said in an interview.

The law was the Canadian government's second attempt last year to bring an end to the widely discredited practice and its third since 2020. The previous bill was set aside in August after Prime Minister Justin Trudeau, who has described conversion therapy as "harmful" and "degrading," called an election.

In November, David Lametti, Canada's justice minister, and Marci Ien, the minister for women, gender equality and youth, resurrected the effort, introducing amendments that they said would make Canada's protections against conversion therapy among the most comprehensive in the world.

Travis Salway, an assistant professor at Simon Fraser University who has researched the controversial practice, said some of the debate over the bill included concerns about religious freedom, such as whether a pastor could be charged if asked to speak to a person about gender identity.

The law goes further than the previous two bills because it broadens the consent issue to protect both adults and minors, said Nicholas Schiavo, the executive director of No Conversion Canada, a nonprofit organization that lobbied to support the bill.

"The intention behind the first two were good, but they left a loophole for adults to undergo conversion therapy," he said. "They can't consent to something fraudulent."

The bill was passed through a unanimous consent motion by the House of Commons on Dec. 1 and the Senate on Dec. 7, after Conservatives who had opposed previous legislation on the subject embraced it. On Dec. 8 it was given royal assent, a procedural stamp that started a 30-day clock until it will take effect on Friday.

But some legislators were dismayed. Ted Falk, a Conservative member of Parliament from Manitoba, said he and other conservatives were "blindsided" by the fast-tracked bill that disregarded written viewpoints and concerns.

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In a Facebook post on Dec. 17, he said there was no sign a consensus or final decision had been reached before the motion was unexpectedly presented just as everyone was rising, giving no time for objections.

"There were about four seconds in which any one of us could have voiced an objection and, in all honesty, before I could process what was happening, the motion had been passed," he wrote on Facebook.

"What was repeatedly requested by many of those making submissions, was the government's guarantee — included in the legislation itself — that conversations with a religious leader, counselor or parent continued to be protected and possible," the lawmaker added.

"Sadly, these requests were not considered."

Canada is among the latest countries to ban conversion therapy. The French Parliament voted on Dec. 14 to ban the practice. At least a dozen countries have also adopted some form of legislative protections against it, including India, Malta, Ecuador and Germany.

In the United States, 20 states and Washington, D.C., have passed laws banning conversion therapy, according to Born Perfect, a group seeking to outlaw the practice.

In Canada, the federal law joins a patchwork of municipal and provincial laws that have banned conversion therapy — in Calgary, Vancouver, Edmonton and in provinces including Ontario and Nova Scotia.

Some practitioners have avoided detection. The names of programs are sometimes changed, Professor Salway said. In health care settings, physicians have acted as gatekeepers, declining to provide trans people access to hormones, he said.

“The benefit of the federal law is it covers the whole country at once, so we don’t have to rely on local politics,” he said.

Mr. Schiavo said local regulation was still relevant because it could be easier to use bylaws than to go through courts. “We are still in favor of cities stepping up,” he added.

Professor Salway and others said the federal law needed to be paired with localized education campaigns. “That’s why we should celebrate the bill, but not be so naïve that it is going to remove all these practices,” he said.

Mr. Kwag said his research organization found that 10 percent of the 9,214 L.G.B.T.Q. participants in its 2019-20 Sex Now survey had received the so-called therapy, with 67 percent in a faith-based setting and the rest through licensed health care providers, which are regulated by provinces.

Mr. Kwag, who is now 37, said he was 19 when his family referred him to an “ex-gay Christian therapist” for telephone counseling and talk therapy about his “homosexual urges.”

In sessions of 45 minutes to an hour, he was asked to recount homosexual thoughts or behavior, and was given “Scripture and strategies to manage” urges to act on those feelings.

After four sessions, Mr. Kwag said, he got in a heated argument with his family about making him attend them, and then he tried to take his own life.

“It was all very dehumanizing,” he said.

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