



Ministry of Health
Social Services
1075 Ste-Foy Road
Quebec City, Quebec
G1S 2M1

October 29th, 2020

Attention Mr Christian Dubé

Subject: Federal Bill C-6 and Provincial Bill
599 filed by MP Jennifer Maccarone
September 22nd, 2020

Dear Minister,

We are an association that studies the various provincial and federal bills affecting human values. Recently, we have been looking at the various bills on conversion *therapies*.

The effect of this missive is to inform you of our reflection on these provincial and federal bills that could impact or affect different members of your department and some of the public service employees, and, more specifically, psychiatrists who have provided psychiatric care in the past that could be considered conversion therapies.

As you know, conversion therapies are practices that have historically been performed by psychiatrists, psychologists, and members of religious congregations. Although this ideology is no longer shared by psychiatrists today, there was a time when homosexuality was considered a disease until the DSM-III-R in 1987 (Diagnostic and Statistical Manual of Mental Disorders).

On October 1st, the federal government, specifically Mr. Lametti, Minister of Justice, introduced a bill (Bill C-6) which will amend the criminal code to create the following offences, namely:

Article 320.102 states: "Anyone who knowingly **engages a person in conversion therapy against his will** is guilty:

- a) whether a criminal offence punishable by five years' imprisonment;
- b) whether an offence punishable by summary conviction.

Article 320.103 (1) states: "Anyone who knowingly **performs conversion therapy on a person under the age of eighteen** is guilty:

- a) Whether a criminal offence punishable by up to five years in prison;
- b) Whether an offence punishable by summary conviction;

Although psychiatrists no longer perform conversion therapy, we believe that individuals, through the effect of Provincial Bill 599, introduced on September 22nd, could be **sued for damages for treatment or therapy performed** before the DSM removed homosexuality as a disease and **therefore the Government could also be prosecuted.**

Bill 599 provides for the amendment of the Civil Code to ensure that the action for personal injury resulting from conversion therapy is **nonprescriptive.**

Currently section 2926. 1 reads as such:

*"The action for personal injury resulting from an act that may constitute a criminal **offence** is prescribed by 10 years from the day the victim becomes aware that the harm is attributable to that act. This action is, however, nonprescriptive if the harm results from a sexual assault, the abuse suffered during childhood, or the abuse of a spouse or former spouse. »*

Here's what bill 599 says:

9. Section 2926.1 of the Civil Code of Quebec is amended by the insertion, in the first paragraph and after "results," of "conversion therapy."

Thus, if the two bills, Bill C-66 and 599, come into effect, any professional who has **provided therapy contrary to the liking of a psychiatric patient, or in the case of a psychiatric patient who is a minor**, could be considered a criminal offence under the new terms of the Criminal Code and would **become nonprescriptive by the proposed changes to section 2926.1 C.c. Q.**, which **would allow, in our view, a rain of damages claims against psychiatrists who allegedly performed psychiatric treatment against homosexual persons before 1987,, as well as against their employer, either a health centre or the Ministry of Health.**

Finally, we inform you that there is also another bill tabled in the National Assembly, Bill 70, which proposes legislative changes with respect to conversion therapy tabled by The Minister of Justice Mr. Simon Jolin-Barette and which proposes a change to the Code of Profession, but which does not include a change to the civil code for statute of limitations, and therefore has no retroactive effect.

I trust that these reflections and information may be useful to you and at any time in the future.
Yours respectfully,

A handwritten signature in black ink, appearing to read 'Nathalie Michaud'. The signature is fluid and cursive, with the first name 'Nathalie' being more prominent and the last name 'Michaud' following in a similar style.

Me Nathalie Michaud,
Director of UVVC's legal department