



To all Canadian Senators, Members of Parliament and Her Honourable Governor General, Mary Simon:

Executive Summary

Women's Declaration International (WDI) asks the Canadian Senate to vote down Bill C-63 owing to far reaching unintended, but inevitable consequences which appear not to have been considered in the passing of this bill in the House of Commons. The ability of our organization and its members to promote women's sex-based rights will be curtailed if this law is passed due to our views frequently being misconstrued as hate speech. International examples of laws similar to Bill C-63 have had predictably terrible results for justice and free speech. This bill will lead to impoverishment in public debate, respect for others' opinion, and good will amongst Canadians.

About Women's Declaration International

We, the members of WDI Canada, representing all provincial and territorial chapters across the country, are writing to the senate to express our grave and profound concern regarding Bill C-63. Active in 50 countries, the purpose of WDI is to uphold and promote sex-based rights for women in order to protect women as a sex class. Recently WDI Canada, together with Canadian Women's Sex-based Rights (caWsbar), produced a [shadow report](#) for consideration at 89th session of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), where Canada's progress on implementing the convention would be reviewed.

Introduction

Bill C-63 was passed in parliament in spring 2024, despite significant outcry from civil liberty [organizations](#). We understand that the initial support in the House of Commons was likely due to a genuine urge on behalf of parliamentarians to stop the harm caused by online predators who blackmail youth in Canada by threatening to expose indecent photos or videos to the public. This is a worthy cause; however, we argue that this bill will have too many other negative consequences to be passed into law. We kindly request that the Senate do its due diligence in thoroughly examining the concerns of the numerous groups, including WDI, and that the [Senate](#) give "voice to underrepresented groups like Indigenous peoples, persons with disabilities, visible minorities and women" as per its mandate.

Threats to Free Speech on the Topic of Sex-Based Rights

Women fighting for sex-based rights have become keenly aware of the fragility of free speech. The concept of "gender identity" has been widely accepted by federal and provincial levels of government and incorporated into law as a protected characteristic alongside sex class. Without any definition of sex in the Canadian Human Rights Act, or protections, gender identity has inevitably created confusion leading human rights tribunals across the country for instance to rule on discrimination cases as if men claiming the gender identity of a woman are indeed *women, and gender identity is applied as against women*. If "woman" had been defined as "adult human female" as it should be, most of the conflicts between gender identity and women would not have occurred, and indeed it was not women who were causing harm to gender identity. This has led to men being allowed to serve sentences in women's federal and provincial correction centres, along with rape shelters and shelter housing, sports and business awards along with sports. WDI believes (as do most people in Canada as per an [Angus Reid Poll](#)) that sex class takes priority over gender identity in classifying people and that this

classification must prevail in cases of safety, privacy, and fairness; that biology is immutable and measurable, and that government policies and data collection should be based on the reality of sex and not individuals' self-perception as the opposite sex (or neither sex in the case of non-binary). We believe that the safety and well-being of women has been negatively impacted due to these legislative changes. We also believe, on the grounds of the Canadian Charter of Rights and Freedoms, that it is immoral to compel speech by requiring people to either accept people as the opposite sex or use opposite sex or non-binary pronouns. Importantly, we do NOT argue that others should not have the freedom to believe gender ideology, instead we argue that gender ideology does not apply to everyone, much like religions apply only to believers. However, there are many opponents of our ideas, which we see as common sense, who claim that women's sex-based rights advocacy is based in hatred.

A few examples of how women's sex-based rights speech has been characterized and treated in society recently:

- [Let Women Speak](#) events in British Columbia; peaceful gatherings permitted by law, have been characterized as hateful and transphobic and targeted for venue cancellation by activists. Generally, venues acquiesce due to the threat of being smeared as transphobic. This has driven meetings underground, a difficult thing to believe in 2024. To our knowledge, a women's rights group has never sought the cancellation of any event which would promote trans causes, simply because it is their right to gather and speak.
- [Vancouver Rape Relief and Women's Shelter](#) has been targeted mercilessly for only accepting women into their shelter. Until very recently it was common sense that women who had been brutalized by men would need a safe space away from men. Although VRR's services (though not shelter) were available to trans-identified men as well, this was not enough for activists. More than one dead rat has been nailed to their door and hateful slurs have been scrawled on their walls. The City of Vancouver has condoned this abuse by withdrawing their annual \$30,000 funding. The exclusion of men has been claimed to be viewed as transphobic by opponents, while in reality, there is no phobia women can have of males, including males who self identify as women.
- Individual women fighting for sex-based rights such as Meghan Murphy and Amy Hamm have been slandered and threatened for their views. [Meghan Murphy](#) was removed from Twitter before it was bought by Elon Musk because the social media company considered statements such as "trans women are not women" and similar speech hateful. [Amy Hamm](#), a nurse in BC, has for years now been fighting an investigation instigated by anonymous complaints made to the BC College of Nurses, not by patients but by members of the public, alleging that she engaged in discriminatory behaviour, albeit outside of her work. Amy Hamm is an activist for the rights of women and the safety of children. She states that trans women are men and believes that men should not be able to enter women's change rooms and bathrooms for example (there was recently an instance of repeated voyeurism in the changeroom of the recreation centre in [Nanaimo, BC](#)).
- So-called "misgendering", using pronouns which align with someone's sex but not their self-image within gender identity, has become a form of discrimination, according to human rights tribunals across the country. Ordinary Human senses have been deemed bigotry, such is the impact of gender identity. In British Columbia, a [restaurant owner was fined](#) \$30,000 for not using non-binary "they/them" pronouns, although the owner had done so he was unsuccessful in obliging his staff to do the same consistently. Classifying freedom of conscience and speech as discrimination is another way to compel speech. No one should have the right to demand that people use certain words to refer to them, particularly if it is

not true. If one has a biological view of sex, which most people do, the required use of wrong-sex pronouns is compelled speech, as well as discriminatory towards these beliefs based on observable reality. We are not opposed to people using this speech but do not believe that it should be required or constitute discrimination.

- With the exception of the National Post, mainstream media sources refuse to cover anything to do with women's sex-based rights, including the more recent placements of dangerous men in women's prisons which have resulted in sexual assaults. The result is that most people in Canada don't know that this is occurring. In Scotland, in contrast, when [Adam Graham](#) (known as Isla Bryson), a dangerous sex offender, was placed in a women's prison it was covered in the media and there was outrage from the public which put an end to the practice. In Canada, there is currently a man named [Adam Laboucan](#) (known as Tara Desousa) who raped a 3 month old baby who is housed in a women's prison with a mother and baby unit. He has assaulted women and threatens the safety of the infants. Few know about this because it is not covered widely, presumably because news outlets are afraid of being targeted as "transphobic", or because the rights of trans individuals are currently taking precedence over the safety of women and children. The [BC HRT](#) has stated as much in previous rulings, deciding that it didn't matter if a man was sent to a women's correctional centre because prisons are inherently dangerous places anyway. This is actually patently untrue in the women's system, where security levels are overall much lower than in the male system.
- The government funded [Canada Anti-Hate Network](#) mischaracterizes and contributes to polarization and confusion on the issue of women's sex-based rights by smearing groups such as [caWsbar](#) as "anti-trans" and "TERFs", a derogatory term standing for "trans-exclusionary radical feminist". The [Canadian Security Intelligence Service](#) has thrown even more coal on the fire by stating that groups in any way critical of gender identity are somehow capable of terrorism and violence. This knowingly and purposefully tars all gender critical organizations with the same brush and allows for this topic to be perpetually polarized.

At one time, seeking to protect free speech and the rights of women and girls to safety and privacy would have been common sense. Having experienced the ease with which society can quickly certain perspectives have been recategorized as hateful, we are opposed to creating ever more restrictive laws which would suppress legitimate free speech. In addition to biological sex category, sexual orientation rights are also impacted and undermined by gender identity. Canada is not supposed to have an interest in the bedrooms of the nations: lesbians were illegal last century, and under gender ideology are deemed a hate crime this century because it bases attraction on sex as opposed to gender (which includes men identifying as women).

WDI's Main Concerns About Bill C-63

Our concerns fall into three categories:

1. **The Digital Safety Commission:** The proposed body of the Digital Safety Commission would have ultimate control over regulating speech and determining which complaints are worth pursuing, and exactly where the line is drawn between hate and simple dislike or legitimate political protest. Enforcing strict time requirements for social media companies and severe penalties around moderating comments could easily lead to companies eliminating more posts than necessary. The complaint system through the commission could be easily exploited by those seeking to suppress their opponents' speech. The proposed Digital Safety Commission has been criticized by the CCLA and Justice Centre for

Constitutional Freedoms. It is an ill-conceived proposal with the potential to stifle freedom of speech online. Similar anti-hate speech laws from other countries (next section) have seen police flooded with complaints which lead to lower crime resolution rates.

2. **Disproportionality:** Bill C-63 seeks to impose extreme penalties for hate speech. Given that hate speech can be very subjective, to impose prison sentences of up to 25 years if the offense has been motivated by hatred of a protected group is outrageous. For perspective, a man was [recently sentenced](#) for three years for raping a 14-year-old girl. This is someone who has forever traumatized and committed a violent act toward a young girl. In contrast, if complaints of the many misogynistic remarks made online were prosecuted as hate crimes against women, men would be put into prison for up to 25 years while men committing crimes such as rape and assault would get a comparatively short sentence. Online comments can be ignored and avoided; it is not a crime in the same sense that physical violence is. To conflate the two is misguided. Just as startling is punishment for offenses not yet committed. House arrest, invasive monitoring, restrictions on alcohol consumption, and drug testing are all potential consequences if someone fears that an individual may publish hate propaganda online.
3. **Chilling Effect:** The introduction of strict regulations of online speech is putting Canada on a march towards silencing through fear; only the bravest or least informed Canadians would risk a prison sentence to say their piece. Comments can easily be misinterpreted as hateful. Human Rights Tribunals (HRT) can already issue fines that would drive many people into bankruptcy. Bill C-63 proposes to increase fines that can be levied for hateful comments, up to \$70,000 in total. The complainant need not identify themselves to the accused and there need not be any victim, as noted by the [Justice Centre for Constitutional Freedoms](#). This will undoubtedly lead to frivolous complaints aimed at either extracting money from or defaming the accused. This has already been the case with [Jonathon \(Jessica\) Yaniv](#) who was allowed to bring his case to the BC HRT. They enabled him to bring not one but multiple cases against immigrant women solely to harass and extract money. If HRTs are unable to protect against vexatious cases, how could the system proposed by Bill C-63 protect the public from such actors?

Restrictions on Free Speech in European Nations

In countries such as the UK, Scotland, and Germany the situation of free speech has already become very dark indeed, a situation which Canada should strive not to emulate. In the UK, approximately 140,000 non-crime hate incidents were reported by or to police in 2023, ranging from comments made online to in-person interactions. The accuser is anonymous and often the cause of the complaint is never revealed, however the incident is recorded on one's criminal record. [Children as young as nine](#) have been accused in non-crime hate incidents.

The threat of speech laws to those fighting for women's sex-based rights is real. In the UK in 2019, a woman named [Kate Scottow](#) was detained and had her laptop and phone confiscated for months due to her posting on social media about a trans-identified man. The individual who made the complaint had made previous complaints to silence critics. Scottow was ordered not to refer to him as a man, which goes against her knowledge that men cannot become women through self-perception. In Scotland, [Marion Miller](#), was arrested in 2021 for a tweet which was determined to be "homophobic and transphobic". A detransitioner (someone who ceases to claim a trans identity) named [Sinead Watson](#) was put in prison due to online remarks as well. These arrests were made under the Hate Crime and Public Order Act, introduced in 2021, which has been extremely controversial and led to a deluge of [vexatious complaints](#). People can easily make complaints online, and even in someone else's name. These laws put in place ostensibly to protect the public from hateful speech are

leveraged to silence and punish critics, and also automatically assume that speech which speaks the truth about sex and the impacts of gender identity is hateful.

In Germany, a law was enacted on November 1st which has made fighting for women's sex-based rights even riskier, by threatening fines of up to 10,000 Euros for giving away someone's sex at birth. [Reem Alsalem](#), the Special Rapporteur for the United Nations on violence against women and girls, has spoken out against this law and its impacts on women. By construing "misgendering" as a form of hate carrying a risk of penalties, women's safety and privacy and children's safeguarding could be impacted.

In the UK, in Scotland, and in Germany the speech laws have led to discontent and protest as well as international attention as mothers and grandfathers are thrown in prison and investigated for trivial comments. This is Canada's future if we do not put the breaks on this bill.

Conclusion

Although Bill C-63 does not specifically target those speaking out for sex-based rights, by including gender identity as a protected class, and not clearly differentiating gender identity from sex, the confusion of the two, and the conflation of statements of [biological truth](#) with hate, are practically assured. While we might like to believe that Canadians are honorable and would not make vexatious complaints about their neighbours, we know from examples in other countries and history that when free speech is curtailed and mechanisms are available, these will be used to silence critics. This tool should not be available to anyone, not even to our own women's sex-based rights movement. The point of free speech is that unpopular opinions are allowed and that no one is forced to adopt ideas that they do not believe worthy.

There should be mechanisms put in place to better protect children from online predators, but this bill is not it. The punishments proposed for online hate speech are too severe both criminally and in the human rights tribunals while the entity proposed to monitor and make decisions regarding speech has too much liberty and will assuredly lead to social media companies being censorious in their comment removal. If this bill is passed, we will see a decline in the quality of debate and the social cohesion of our society by not only allowing but encouraging an environment where neighbours snitch to the authorities instead of engaging in debate.

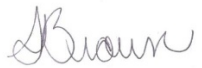
I am a Canadian, a free Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think right, free to oppose what I think wrong, or free to choose those who would govern my country. This heritage of freedom I pledge to uphold for myself and all mankind. - John Diefenbaker

We urge the Senate to vote down this bill and tell the parliament that free speech is valued in Canada and that we don't want to see any further erosion to the rights of Canadians to debate and to contribute to shaping the society of the future.

To quote [Judge Ramsay](#), who ruled in favour of Carolyn Burjoski in *Burjoski v. Waterloo District School Board*, "As counsel for the defendants correctly conceded, the *Human Rights Code* does not prohibit public discussion of issues related to transgenderism or minors and transgenderism. It does not prohibit public discussion of anything ... I find it regrettable that the defendant who is trying to shut down debate is an arm of the government. Regard for the historical and present plight of the transgendered ... does not negate section 2(b) of the charter."

Your earliest possible reply is requested.

Signed,



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