



## **Call for input to the report of the Special Rapporteur on violence against women and girls to the HRC Forms of sex-based violence against women and girls: new frontiers and emerging issues: WDI Canada Submission**

WDI Canada is the Canadian component of Women's Declaration International (WDI). WDI is a group of volunteer women from across the globe dedicated to protecting women's sex-based rights. Our volunteers include academics, writers, organizers, activists, civil service employees, and health practitioners, and aim to represent the total breadth of the human female experience.

The [Declaration on Women's Sex Based Rights](#) was created by the founders of WDI to build international sisterhood and to urge nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity".

### **What are some of the most prominent forms of violence against women and girls today that are specifically or primarily based on sex?**

Violence against women and girls comes in many forms, and can sadly begin at a very young age. The more obvious forms of violence that are disproportionately faced by females are intimate partner violence, rape, and sexual assault. Less obvious, but still incredibly impactful, forms of sex-based violence include voyeurism and indecent exposure, both of which have become much more difficult to report and/or punish due to gender self-identification policies. These policies allow any male-bodied person to enter female single-sex spaces freely, and to undress fully in such spaces. Charges of indecent exposure and voyeurism can be completely avoided by perpetrators by simply declaring a trans identity. There have been countless examples of such instances in Canada in recent years.

### **Are there emerging forms or evolving dynamics of sex-based violence against women and girls that call for a deeper and more nuanced understanding of such sex-based forms of violence?**

Yes. There is an emerging form of sex-based violence against women and girls that is widespread and misunderstood. The loss of female single-sex spaces has revoked the rights of women and girls to give consent regarding who they undress with, and who undresses in front of them. This gives girls the impression that their consent is conditional, as they are forced to ignore their instincts and their feelings of discomfort in the name of inclusion, leading to a breakdown of boundaries and a blurry understanding of how much control one has over their own body. Further, women and girls are vulnerable to attacks from predatory males who use self-identification policies to gain access to potential victims. There have been several documented cases of such acts of sex-based violence and violations in Canada as a result of such policies.<sup>1</sup>

There is also the matter of coercion. Women and girls are being coerced by the government to invite potential predators into their private spaces. There are signs outside many of our public changerooms stating that if we see a person we feel should not be in our space, we are to ignore our instincts and carry on normally. These signs function as both an invitation to predators, assuring them that we are legally unable to have them removed from our spaces, and as a warning for women and girls who feel uncomfortable with nude males undressing with us and that no help is available, and we will be seen as

<sup>1</sup><https://reduxx.info/male-sex-offender-identified-as-woman-to-access-womens-shelter-allegedly-raped-a-female-resident/>



bigots if we speak up. <sup>2</sup>

### **What forms of sex-based violence against women and girls are underrecognized or underreported, and what measures can be taken to identify and address them?**

Self-identification policies have led to countless cases of sex-based violence, most of which go underreported. Women's shelters have been opened up to male-bodied individuals, some of whom have committed sexual assault on already traumatized women who seek help. Female prison guards in Quebec are being forced to strip search trans-identifying male inmates at their request, despite the inmates reportedly making lewd comments and behaving in an overtly sexual manner. So little does our government consider the rights of women that when these female guards staged a walkout, the government ordered them back to work and insisted that they must continue to perform the strip searches.<sup>3</sup> This is nothing short of state-sanctioned sexual abuse that is not being talked about, or even acknowledged. Regarding prisons, there is also the matter of violent male prisoners self-identifying as women and being granted access to women's prisons. The result, which is entirely avoidable, is women being harassed, abused, and terrorized. <sup>4</sup>

### **How are language and terminology today being used to describe and address sex-based violence against women and girls? What are the implications and consequences of this usage?**

The term "gender-based violence" has replaced the term sex-based violence in many cases, which causes confusion and takes the spotlight off of the serious problem of violence against women in Canada. Women and girls are disproportionately harmed on the basis of our sex. The issue of violence against trans-identifying people has overshadowed the issue of violence against women. This is a problem, especially considering the fact that a woman is murdered in Canada every 2.5 days. In contrast, a trans-identifying person has not been murdered in Canada in years.

At the root of this problem is the redefinition of the words woman, man, boy, and girl. The government of Canada defines woman as "All people who identify as women, whether they are cisgender or transgender women." <sup>5</sup>

By redefining these words, governments all over the West have put women and girls in direct harm and stolen opportunities from us. If a woman is anyone who claims to be a woman, as stated by Prime Minister of Canada Justin Trudeau on March 8, 2023, then women's rights and protections do not exist. Self identification policies allow any man to instantly declare that he is a woman and enter our shelters, rape crisis centres, changerooms, and washrooms. If convicted of a crime, all a man must do is identify as a woman, and regardless of the nature of his crime, he will likely be accommodated in a women's prison, where over 80% of the inmates have already faced sexual abuse in their past. A 2023 study on trans-identifying inmates in Canada revealed that 91.7% of incarcerated trans-identified males were

<sup>2</sup> <https://reduxx.info/canada-mother-threatened-with-arrest-after-confronting-male-watching-girls-undress-in-changing-room-at-nanaimo-swimming-pool/>

<sup>3</sup> [https://courrierlaval.com/fouilles-a-nu-personnes-trans-et-non-genrees-causent-malaises-prison/#google\\_vignette](https://courrierlaval.com/fouilles-a-nu-personnes-trans-et-non-genrees-causent-malaises-prison/#google_vignette)

<sup>4</sup> <https://reduxx.info/exclusive-female-inmate-assaulted-by-canadian-transgender-child-rapist-in-womens-prison-sustained-broken-ribs-eyewitness-reports/>

<sup>5</sup> [https://www.justice.gc.ca/socjs-esjp/en/dash-tab/definitions?fbclid=IwY2xjawH-eQ1leHRuA2FibQlxMAABHXNNFkDXcXky6dwJ4ubQzisLYRiKq-pFiKUysJ\\_ashSNp9tuwh2X5USc2Q\\_aem\\_lblo34\\_qcYkEwyoWBuTwkw](https://www.justice.gc.ca/socjs-esjp/en/dash-tab/definitions?fbclid=IwY2xjawH-eQ1leHRuA2FibQlxMAABHXNNFkDXcXky6dwJ4ubQzisLYRiKq-pFiKUysJ_ashSNp9tuwh2X5USc2Q_aem_lblo34_qcYkEwyoWBuTwkw)



convicted of a violent crime, and 44.3% had histories of committing sexual offenses. Women are being imprisoned with violent offenders, placing them at serious risk of physical harm and mental distress.<sup>6</sup>

The redefinition of these words has also allowed males to compete against women in sporting competitions, despite their obvious physical advantages and the risk to the safety of female competitors. In a particularly egregious example, Melody Wiseheart (Nicholas Cepeda), who is an over 50-year-old trans-identifying male professor at York University, competed against girls as young as 13 in swim competitions in Barrie, Ontario. As a member of the Orangeville Otters, he also showered and changed with his fellow teammates, who were all adolescent girls. These girls did not consent to undress or shower with Wiseheart. They were not given a choice, as the desire of Wiseheart was deemed more important than the girls' autonomy, comfort, and dignity.

In 2018, the Treasury Board Secretariat and the Justice Department of Canada decided to replace sex with gender in all data collection by default. This renders data collectors incapable of compiling accurate statistics on crime. The vast majority of violent crimes are committed by males, which is consistent throughout the country and internationally. Crime statistics are impacted by the replacement of sex with preferred gender, giving the false impression that females have become more violent.

### **What challenges and opportunities do women's organizations and victims encounter in their advocacy around the issues of sex-based violence against women and girls?**

Women's advocacy groups that do not espouse the belief that trans-identifying males are women are excluded from participating in the majority of meetings and groups that would otherwise welcome us. In a June 2024 CCOHR meeting attended by Canadian political and human rights representatives who were gathered to discuss Canada's upcoming CEDAW appearance, the coordinator of WDI Canada was attacked and threatened with removal from the meeting. She raised the question of whether or not any consideration was being given to the women who are currently incarcerated with male convicted sex offenders. She then posted the definition of 'woman' as outlined by Reem Alsalem in her position paper in the meeting chat, clarifying that this definition came from the UN Special Rapporteur for Violence Against Women and Girls. Several of the attendees attacked her and attempted to have her removed from the meeting. Noone engaged with her question, and she was called transphobic and uneducated for having asked it. She was also accused of having harmed gender diverse meeting attendees by discussing the issue. Although she requested an invitation to any future CCOHR meetings where CEDAW was being discussed, she has not been invited to the upcoming meeting in February. A similarly hostile reaction was also the experience of women who attended engagement sessions on the modernization of the Employment Equity Act. When a participant shared Reem Alsalem's definition of women taken from the April 2024 position paper, the definition was called trans-exclusionary. All trans-identifying participants were issued an apology. While other groups who advocate for women's rights receive government funding, no groups who uphold Reem Alsalem's definition of women receive any government funding.

In another example, WDI Canada was unable to apply for funding to attend Canada's CEDAW appearance. It was clearly stated in the IWRAW application form that those who campaign for women's sex-based rights need not apply. We are not being given a seat at the table, and are therefore unable to

<sup>6</sup> [https://publications.gc.ca/collections/collection\\_2022/scc-csc/PS83-3-442-eng.pdf](https://publications.gc.ca/collections/collection_2022/scc-csc/PS83-3-442-eng.pdf) - See table 2, pg 14



advocate for the sex-based rights of Canadian women and girls.

**To what extent are women and girls – as well as organizations that represent them- able to meaningfully and effectively participate in all processes that affect them?**

The Government of Canada’s Task Force on the Modernization of the Employment Equity Act held engagement sessions for all equity groups named in the Employment Equity Act as well as the two new groups the government intended to add to the Act - except women. Women complained and an engagement session was organized at the last minute. However, the women were not asked for their input on whether the term ‘women’ that appears in the Act should be defined, or how they would define it. In contrast, all other equity groups were given the opportunity to speak on that topic. This was reported by individuals who attended more than one session as they belonged to more than one equity group.

When developing legislation and policies, the Government of Canada consults the 2SLGBTQIA+ community and does not consult women, despite the fact that women are often directly impacted by these policies. When women’s groups requested a copy of the gender-based analysis (GBA) that was performed for Bill C-16, which established self-ID laws in Canada, the document they received was almost entirely redacted.

**What are the consequences of the inadequate consideration of the relationship between sex as a ground for violence against women and girls in law, policy and practice including the ability to access effective assistance and protection from State and non-State actors?**

The consequences of failing to protect women on the basis of our sex are many and grave. Some examples include an increase in preventable incidents of violence against women and girls perpetrated by male-bodied individuals who have been granted unfettered access to female victims in women’s shelters, prisons, changerooms, and washrooms. Trauma victims can no longer be guaranteed that their intimate care will be administered by a female. The only remaining rape relief centre in Canada that guarantees female-only care and facilities, Vancouver Rape Relief Centre, has had their government funding pulled as a result of refusing to allow males to work and/or be accommodated at their shelter. They now rely solely on donations.

Further, women are now forced to refer to their rapist with female pronouns. When police ask for the public’s assistance to find a male suspect who identifies as a woman, they must ask the public to help search for a woman without specifying that it is a “transwoman” they are searching for. This hinders investigations and reduces the probability of convicting offenders of violence against women.

**What tensions arise between the obligation to prohibit and prevent discrimination and violence against women and girls based on sex and other grounds, including gender? How have States and international organizations been addressing these tensions?**

Tensions arise in many circumstances, including sporting competitions, where women and girls have been subjected to physical injury, shelters, where women have been attacked, and where many women no longer feel safe, and public change rooms and washrooms, where the reasonable expectation of privacy that was once assumed by women is no longer present, and where indecent exposure is now far



more prevalent. In each and every case, the Canadian government has failed to consider the impact that including male-bodied individuals has on women and girls. Some things are necessarily exclusive.

In August of 2024, four women were sexually assaulted by a male who was permitted to stay at a women's shelter in Edmonton, Alberta.<sup>7</sup> Women staying in shelters are more often than not recovering from trauma, and yet they are being subjected to sexual violence in the name of inclusion.

In another example, a male police officer in Windsor, Ontario has allegedly claimed a female identity. Due to gender self-identification policies, he is allowed to strip-search female detainees, whether or not they request a female officer. He is also permitted access to the changerooms of the female officers, who are reportedly outraged.<sup>8</sup>

**How should national, regional, and international frameworks and standards on women and girls be reviewed, adjusted, clarified, or complemented in order to enhance efforts to identify, prevent, and respond to sex-based violence against women and girls?**

The Canadian Human Rights Act was changed to add gender identity and gender expression as a prohibited ground of discrimination. In practice, the Government of Canada no longer believes that sex is an immutable characteristic, that it is a binary, or that it matters in most circumstances. In fact, they have not identified an instance when it does matter - not when recording crime statistics, not when deciding where to house prisoners, not when deciding how to refer to a rapist. A Supreme Court of Canada Judge recently found the use of the word "woman" problematic in a lower court's ruling when referring to a female rape victim.<sup>9</sup>

It is WDI Canada's recommendation that the Government of Canada restore the sex-based rights of women and girls in Canada by repealing Bill C16, which is the act that amended the Human Rights Act to include gender identity and gender expression to the list of prohibited grounds of discrimination. While the intent of this bill was to prevent discrimination and foster inclusivity, the consequences have been dire.

As a direct result of this bill being passed, women's sex-based rights and protections have been annihilated in Canada. Women and girls no longer have access to single-sex spaces such as changerooms, washrooms, and shelters. Incarcerated females are being jailed with males, many of whom are convicted sex offenders. Female athletes are being forced to compete against males, despite the glaringly obvious advantages the male athletes possess, and the injuries that have already been sustained by some female athletes. Women and girls are losing out on scholarships and positions that were earmarked for females.

Bill C16 must be repealed, and the Government of Canada must take immediate action to protect the rights of Canadian women and girls.

<sup>7</sup> <https://reduxx.info/canada-trans-identified-male-charged-after-allegedly-sexually-assaulting-multiple-women-while-staying-at-a-womens-shelter/>

<sup>8</sup> [https://www.rebelnews.com/windsor\\_police\\_service\\_brass\\_allegedly\\_investigating\\_transgender\\_cop\\_controversy](https://www.rebelnews.com/windsor_police_service_brass_allegedly_investigating_transgender_cop_controversy)

<sup>9</sup> <https://nationalpost.com/opinion/supreme-court-decision-say-word-woman-is-confusing-unfortunate#:~:text=TOP%20STORY,%E2%80%9Cperson%20with%20a%20vagina.%E2%80%9D>