

Court File No.

**FEDERAL COURT**

B E T W E E N:

CANADIAN WOMEN'S SEX-BASED RIGHTS

Plaintiff

and

HIS MAJESTY THE KING

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Courts Rules*, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the *Federal Courts Rules*.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: April 7, 2025

Issued by: \_\_\_\_\_  
Local Registrar

Address of local office: [REDACTED]

TO: **ATTORNEY GENERAL OF CANADA**  
[REDACTED]

## CLAIM

### SUMMARY

1. This claim concerns the legally and constitutionally protected rights of all Canadian Female Inmates incarcerated in Federal Institutions, and in particular, their right to be protected from mental, physical and sexual abuse by Trans-identifying Male Inmates with whom they are forcibly confined. The Plaintiff, Canadian Women's Sex-Based Rights ("CAWSBAR"), pleads that such forced confinement has caused, and will continue to cause, serious harm to Female Inmates.

2. The practice of transferring/placing Male inmates into Female Prisons is authorized by a directive of the Commissioner of Corrections, namely Commissioner's Directive 100: *Gender Diverse Offenders* ("CD-100"). CAWSBAR contends that CD-100 clearly and directly violates the rights of Female Inmates under sections 7, 12 and 15 of the *Canadian Charter of Rights and Freedoms* (the "*Charter*") and is not saved by section 1. CAWSBAR also contends that these policies are in breach of Female Inmates' rights under sections 1(a), 1(b) and 2(b) of the *Canadian Bill of Rights*.

3. The capitalized defined terms used in this Statement of Claim are set out in the annexed Schedule "A".

### THE PARTIES

4. CAWSBAR is a federally incorporated non-profit organization. Since 2019, CAWSBAR has worked to preserve the sex-based rights and protections of women and girls across Canada. Among other activities, CAWSBAR advocates for women's sex-based rights and protections in the context of prisons, washrooms and changing rooms, sporting competitions, and other venues traditionally reserved for Biological Females.

5. The Defendant, his Majesty the King (“**Canada**”), is named in these proceedings pursuant to the provisions of section 17 of the *Federal Courts Act*. Canada funds and administers Correctional Services Canada (“**CSC**”), which is the federal government body that administers Federal Institutions, including Women’s Prisons. CSC has a duty to ensure the safe and humane custody and supervision of Inmates and to assist in their rehabilitation and their reintegration into the community. CSC is and was, at all material times, responsible for the oversight, funding and management of the governmental servants, employees, agents, and contractors who operate the Federal Institutions.

6. As of the current date, CSC administers six Women’s Prisons which are as follows:

- i. Fraser Valley Institution (33344 King Road, Abbotsford, British Columbia);
- ii. Edmonton Institution for Women (11151-178th Street, Edmonton, Alberta);
- iii. Okimaw Ohci Healing Lodge (located on the Nekanee First Nation, near Maple Creek, Saskatchewan);
- iv. Grand Valley Institution for Women (1575 Homer Watson Boulevard, Kitchener, Ontario);
- v. Joliette Institution (400 Marsolais Street, Joliette, Quebec); and
- vi. Nova Institution for Women (180 James Street, Truro, Nova Scotia).

#### PUBLIC INTEREST STANDING

7. CAWSBAR proposes to conduct this proceeding as a public interest litigant. CAWSBAR meets the test for public interest standing and thus has standing to commence and maintain this proceeding. CAWSBAR raises a serious and justiciable issue, namely: the significant harms to Female Inmates caused by the placement and transfer of Trans-identifying Male Inmates within

Women's Prisons, and the resulting breach of Female Inmates' legal and constitutional rights. CAWSBAR, by way of its advocacy work on behalf of women including Female Inmates, has a real stake and a genuine interest in the issues raised.

8. The proposed litigation is a reasonable and effective way to bring the issue before the Court. CAWSBAR has the capacity, resources, and expertise to litigate this claim. There is no other viable alternative method of proceeding. Further, as a result of the marginalized status of Female Inmates as described herein, as well as their incarceration which presents separate practical obstacles, it is difficult or impossible for an individual Female Inmate to bring such a proceeding.

## BACKGROUND

### *The Differences Between Male and Female Inmates*

9. When compared with Male Inmates, Female Inmates exhibit distinct behavioural patterns leading to, and during, their incarceration. These differences are primarily a result of innate biological and resultant psychological differences between Men and Women.

10. These differences manifest themselves in a variety of ways including, but not limited to:
- i. Female Inmates are substantially less likely than Male Inmates to have been convicted of serious violent crimes;
  - ii. Female Inmates are less likely than Male Inmates to be repeat violent offenders;
  - iii. Female Inmates are substantially less likely to have been convicted of a sexual offence;  
and,
  - iv. Female Inmates are on average shorter, smaller, and physically weaker than Male Inmates.

11. As a result of these differences, Female Inmates represent less of a physical danger to both other inmates and to correctional officers / staff than Male Inmates.

12. CSC's policies, and in particular the historical sex segregation of Federal Institutions, have long recognized the physical and psychological differences between Men and Women and that they are incompatible when incarcerated together.

*Female Inmates as a Marginalized and Vulnerable Group*

13. Female Inmates are a marginalized and vulnerable group. They have historically, and in the present day, faced significant challenges in achieving their full and equal participation in Canadian society, even upon their release from custody. These challenges include, but are not limited to: poverty, unemployment, under-education, and lack of familial supports.

14. Female Inmates account for a small minority of all persons housed in Federal Institutions. The population of Female Inmates is itself made up of a disproportionate number of members of further marginalized and disadvantaged groups. In particular, aboriginal Women are greatly over-represented among Female Inmates.

15. Female Inmates are significantly more likely than Women in general, or Male Inmates, to have been the victim of physical, sexual or psychological abuse. This abuse is suffered primarily at the hands of Men.

16. Female Inmates are significantly more likely than Women in general, or Male Inmates, to have experienced, or to currently experience, mental health problems including serious mental illness. This is further aggravated by the lack of mental health care resources available in Federal Institutions.

### *Trans-identifying Male Inmates*

17. A sentence of two years or longer is required for a person to qualify for a federal prison sentence in Canada. Serious criminal activity and/or a lengthy criminal record is required in order to qualify for such a sentence. For this reason, Trans-identifying Male Inmates housed in Federal Institutions are *not* reflective of the general population of Trans persons in Canada.

18. In general, Trans-identifying Male Inmates exhibit the behavioural disposition of their biological sex rather than that of their chosen gender. For example, Trans-identifying Male Inmates often display levels of aggression and violence that are more likely to correspond with Male Inmates as opposed to Female Inmates.

19. While the majority of Female Inmates are heterosexual and attracted to Men, the majority of Trans-identifying Male Inmates are sexually attracted to Women, or to both Men and Women.

20. Trans-identifying Male Inmates are significantly more likely to have been convicted of a sexual offence than either Female Inmates or Male Inmates.

21. The number of individuals identifying as Trans has increased significantly in recent years, both in Federal Institutions and in the Canadian population more generally. Due to the relatively small population of Female Inmates, the transfer of even a small number of Trans-identifying Male Inmates into Women's prisons has had a disproportionate impact, as described in further detail herein.

## THE TRANSFER OF MALE INMATES TO FEMALE INSTITUTIONS

### *Legislative Framework*

22. Prior to the year 2017, transfers or penitentiary placements were based solely on inmates' genitalia. A Trans-identifying Male Inmate could only be transferred to a Women's Prison if he completed what was then termed "sex reassignment surgery". CSC did not permit transfers of pre-operative Male Inmates identifying as Trans into Women's Prisons under any circumstances. CSC determined that the identified risks to Female Inmates in this situation were too high.

23. In October of 2016, the Canadian Parliament passed Bill C-16 (*An Act to Amend the Canadian Human Rights Act and the Criminal Code*). The Bill became law on June 19, 2017. Bill C-16 amended the *Canadian Human Rights Act* to include gender identity and gender expression as prohibited grounds of discrimination.

24. Section 4(g) of CSC's governing legislation, the *Corrections and Conditional Release Act* ("**CCRA**") was also amended. Respect for "gender identity and expression" was added to its Guiding Principles. Section 4 (g) of the *CCRA* now provides that:

*correctional policies, programs and practices respect gender, ethnic, cultural, religious and linguistic differences, sexual orientation and gender identity and expression, and are responsive to the special needs of women, Indigenous persons, visible minorities, persons requiring mental health care and other groups.*

25. The purpose of the *CCRA*, as laid out in section 3 of that act, is to:

*contribute to the maintenance of a just, peaceful and safe society by:*

*(a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and*



*(b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.”*

26. Following the amendment of section 4 of the *CCRA*, CSC published Interim Policy Bulletin 584 (Gender Identity or Expression) (“**IPB 584**”). IPB 584 permitted, for the first time in Canadian history, the transfer of Trans-identifying Male Inmates with fully intact Male genitalia into Women’s Prisons.

27. In May of 2022, IPB 584 was replaced by CD-100. CD-100 overrides other policies found in Commissioner’s Directives or guidelines and sets official direction relating to all Trans inmates. The purpose of CD-100, as described in the directive is as follows:

*To provide direction on procedural changes that reflect the Correctional Service of Canada’s (CSC’s) commitment to meeting the needs of its gender diverse offender population in ways that respect their human rights and ensure their safety and dignity as well as the safety of others in the institutions and community*

28. CD-100 creates a presumption that Trans Inmates will be placed according to their “gender identity or expression” so long as there are not “overriding health or safety concerns that cannot be resolved”. Section 36 of CD-100 reads as follows:

*After completing the intake assessment process, offenders will be placed according to their gender identity or expression in a men’s or a women’s institution, if that is their preference, regardless of their sex (i.e., anatomy) or the gender/sex marker on their identification documents. In the event there are overriding health or safety concerns that cannot be resolved, the offender will be placed in a site that better aligns with their current sex (i.e., anatomy).*

29. CD-100 defines the phrase “*overriding health or safety concerns*” as “*matters, substantiated through evidence or information, which would jeopardize the health or safety of the gender diverse offender, other offenders, staff, or members of the public.*”

*Risks Involved with The Current Practice*

30. A standard of self-identification removes scrutiny from the transfer process. It does not adequately respond to the risk that Male offenders have taken and will continue to take advantage of CD-100 to gain access to vulnerable Women.

31. Trans-identifying Male Inmates with convictions for sexual offences and/or other serious violent crimes toward women and girls have been granted transfers to Women’s Prisons.

32. A Male Inmate seeking to exploit CD-100 and gain access to vulnerable Women bears no cost of falsely declaring a Trans identity. In particular, section 49 of CD-100 states that:

*In the event the request is denied or the offender withdraws their application, their security classification will remain unchanged and will not be impacted by the results of the [Security Reclassification Scale / Security Reclassification Scale for Women], which might have changed their security classification.*

33. The risks created by transferring a Trans-identifying Male Inmate to a Female Prison are not eliminated or alleviated by drugs (hormones) and/or surgery. Hormone therapy does not guarantee that the Trans-identifying Male Inmate with male genitalia will not have erectile capacity. Neither penectomy (surgical removal of the penis) nor gonadectomy (surgical removal of the testes) change other characteristics indicative of Male criminality including aggression and potential for violence.

34. Trans-identifying Male Inmates are frequently housed in the Structured Living Environment (“SLE”) of Female Prisons. The SLE houses Female Inmates with psychiatric illnesses, emotional disorders and mental disabilities who are at an even greater risk of the harms described herein.

35. Once the transfer to a Women’s Prison is made, it is very rare for CSC to involuntarily transfer the Trans-identifying Male Inmate back to a Federal Institution for Men, no matter the nature of the misconduct and/or crime(s) perpetrated on Female Inmates. Even after such a removal from a Women’s Prison following criminal activity or serious misconduct, CSC has and will transfer the Trans-identifying Male Inmate back to a Women’s Prison.

#### HARMS TO FEMALE OFFENDERS

##### *Unique Context of The Carceral Setting*

36. The impact of the transfer and placement of Trans-identifying Male Inmates in Women’s Prisons is aggravated by Female Inmates’ vulnerable status as described above, and particularly their past experiences of abuse at the hands of Men.

37. Further, incarceration presents a unique context where Female Inmates are forced to live, for extended periods of time, in very close quarters with individuals who are anatomically and biologically of the opposite Sex. Leaving is not an option should the situation become intolerable for the Female Inmate.

##### *Rape and Sexual Assault*

38. Female Inmates have been sexually assaulted by Trans-identifying Male Inmates both with and without male genitalia. In addition to the inherent trauma and harm associated with such

incidents, Female Inmates are also exposed to increased risks of pregnancy and sexually transmitted infections.

### *Sexual Harassment*

39. Female Inmates have experienced sexual harassment from Trans-identifying Male Inmates. This includes, but is not limited to: stalking, including following women to the bathroom and showers; remaining directly outside of private stalls; making sexually inappropriate, aggressive, and/or sexually suggestive comments; and grooming behaviours.

### *Assault*

40. Female Inmates have been physically assaulted by Trans-identifying Male Inmates. Trans-identifying Male Inmates are physically larger and stronger than the average Female Inmate. The force generated during an assault by a Trans-identifying Male Inmate is far beyond what a Woman is typically capable of. The average Female Inmate is easily overpowered by the average Trans-identifying Male Inmate.

### *Harassment*

41. Female Inmates have experienced harassment from Trans-identifying Male Inmates. This includes, but is not limited to verbal threats, yelling, ridicule including name-calling, and defamation.

### *Physical Impacts*

42. As a result of the harms described above, Female Inmates have suffered bruising, contusions, and cuts resulting in bleeding.

*Psychological Impacts*

43. As a result of the placement of Trans-identifying Male Inmates in Women's Prisons, Female Inmates have experienced Post-Traumatic Stress Disorder, flashbacks of stressful, violent, and/or emotionally disturbing events involving men, anxiety, anger, depression, and hopelessness.

44. Female Inmates who are housed with Trans-identifying Male Inmates suffer from a loss of privacy and dignity knowing that a Biological Male can see them in a state of undress.

*Impact on Programming*

45. Women's Prisons provide group-based psychological programs for the purpose of healing childhood sexual trauma. Once placed or transferred into a Female Prison, Trans-identifying Male Inmates with convictions for sexual offences or violent offences involving women and children are permitted access to such programs. This causes, and will continue to cause, many Female Inmates to experience serious difficulty in participating in such programs, or to avoid them altogether. This undermines the efficacy of the programs and, in turn, the rehabilitative nature of a custodial sentence.

46. Women's Prisons also permit mothers of young children to reside with their children while in custody. This ameliorative program, known as the Mother-Child Program, is meant to assist mothers in maintaining the natural maternal bond as between the mother and her child. At least one Trans-Identified Male Inmate who has convictions for violent sexual offences involving an infant was housed in or near the Mother-Child Program in a Women's Prison. The presence of this Trans-Identified Male Inmate near mothers and children caused the Female Inmates serious psychological harm as well as fear for the safety of their children. This undermines the efficacy of the Mother-Child Program and, in turn, the rehabilitative nature of a custodial sentence.

### *Further Consequences for Expressing Concerns*

47. Female Inmates are reluctant to speak out or complain about the harms caused by Trans-identifying Male Inmates. Complaints are often viewed by correctional officers and staff as harassment, intolerance, and/or “transphobia”. Female Inmates do not speak out for fear of an entry on their institutional record which will eventually be considered by the Parole Board of Canada, and which could impact the decision to grant or not grant parole.

### *Limited Information and Further Particulars*

48. As a public interest litigant, the Plaintiff’s knowledge and pleadings are based primarily on information provided by current and former Female Inmates. The great majority of information and documentation regarding harms to Female Inmates is solely in the possession, power, and control of CSC.

49. CAWSBAR relies on such further particulars of harm as may be discovered throughout the course of this action.

## CHARTER BREACHES

### *Section 7*

50. Section 7 of the *Charter* provides: *Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.*

51. The transfer of Trans-identifying Male Inmates into Women’s Prisons has deprived Female Inmates of their right to security of the person. In this regard, the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim.

52. CD-100's rules regarding the placement and transfer of Trans-identifying Male Inmates into Women's Prisons are overly broad and therefore contrary to the principles of fundamental justice. Such placements and transfers extend beyond what is necessary to achieve CD-100's purpose and in doing so create a vast array of unnecessary harms for Female Inmates, as described herein.

53. Further and in the alternative, CD-100 is arbitrary where it permits serious harms for Female Inmates without furthering its purpose of meeting the needs of its gender diverse offender population in ways that respect their human rights and ensure their safety and dignity. In particular, Women's Prisons are designed and managed by CSC in ways that are responsive to carceral, rehabilitative and other needs that are specific to Women. The needs of Trans-identifying Males Inmates are not met, or are inadequately met, in this environment.

54. Further and in the alternative, CD-100 creates a vast array of unacceptable harms for Female Inmates, as described herein, which are grossly disproportionate to CD-100's purpose, and therefore contrary to principles of fundamental justice.

55. Further and in the alternative, CD-100's placement and transfer of Trans-identifying Male Inmates into Women's Prisons is contrary to such principles of fundamental justice as will be advised prior to trial.

### *Section 12*

56. Section 12 of the *Charter* states: *Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.*

57. The placement and transfer of Trans-Identified Male Inmates in Women's Prisons has a significant impact on Female Inmates' liberty and security interests and is therefore punishment.

58. The placement and transfer of Trans-Identified Male Inmates in Women's Prisons is intrinsically incompatible with Female inmates' human dignity. In this regard, the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim.

*Section 15*

59. Section 15 of the *Charter* provides that:

*Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*

60. The placement and transfer of Trans-Identified Male Inmates into Women's Prisons creates a distinction based on sex. While Male Inmates are regularly transferred to Women's Prisons, the reverse does not occur. In the alternative, the transfer of Female Inmates to Male Prisons is extraordinarily rare.

61. The placement and transfer of Trans-Identified Male Inmates into Women's Prisons imposes a burden and denies benefits to Female Inmates in a manner that has the effect of reinforcing, perpetuating, or exacerbating disadvantage. In this regard, the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim. The exposure of Female Inmates to such harms and risks of harm also undermines their rehabilitative efforts, as well as the duty of CSC to contribute to such rehabilitative efforts. As a result, Female Inmates receive less benefit from the rehabilitative aspects of a custodial sentence. This in turn reinforces, perpetuates and exacerbates the disadvantages Female Inmates face as described in paragraphs 13-16 of this claim.



*Section 28*

62. The Plaintiff further pleads and relies upon section 28 of the *Charter* which provides that: *Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.* This interpretative provision applies to each of the sections of the *Charter* cited above.

*Section 1*

63. The infringements of Female Inmates' section 7, 12 and 15 *Charter* rights are not reasonable limits prescribed by law and cannot be demonstrably justified in a free and democratic society, in accordance with section 1 of the *Charter*.

BREACHES OF THE CANADIAN BILL OF RIGHTS

*Section 1(a) and (b)*

64. Section 1(a) and (b) of the *Canadian Bill of Rights* ("**CBR**") states:

*1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,*

*(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;*

*(b) the right of the individual to equality before the law and the protection of the law;*

65. The transfer of Trans-identifying Male Inmates into Women's Prisons has deprived Female Inmates of their right to security of person. In this regard the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim.

66. The placement and transfer of Trans-Identified Male Inmates into Women's Prisons creates a distinction based on sex. While Male Inmates are regularly transferred to Women's Prisons, the reverse does not occur. In the alternative, the transfer of Female Inmates to Male Prisons is extraordinarily rare.

67. The placement and transfer of Trans-Identified Male Inmates into Women's Prisons imposes a burden and denies benefits to Female Inmates in a manner that has the effect of reinforcing, perpetuating, or exacerbating disadvantage. In this regard, the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim. The exposure of Female Inmates to such harms and risks of harm also undermines their rehabilitative efforts, as well as the duty of CSC to contribute to such rehabilitative efforts. As a result, Female Inmates receive less benefit from the rehabilitative aspects of a custodial sentence. This in turn reinforces, perpetuates and exacerbates the disadvantages Female Inmates face as described in paragraphs 13-16 of this claim.

*Section 2(b)*

68. Section 2(b) of the *CBR* states:

*Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to:*

*(b) impose or authorize the imposition of cruel and unusual punishment;*

69. The placement and transfer of Trans-Identified Male Inmates in Women's Prisons has a significant impact on Female Inmates' liberty and security interests and is therefore punishment.

70. The placement and transfer of Trans-Identified Male Inmates in Women's Prisons is intrinsically incompatible with Female inmates' human dignity. In this regard, the Plaintiff pleads and relies upon the harms described in paragraphs 36-49 of this Statement of Claim.

#### RELIEF SOUGHT

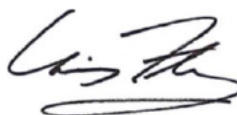
71. CAWSBAR seeks the following relief:

- i. a declaration that it has public interest standing to commence and maintain this proceeding;
- ii. a declaration pursuant to section 52(1) of the *Constitution Act, 1982* or section 24(1) of the *Charter* that CD-100 violates the section 7, 12, and 15 *Charter* protected rights of Female Inmates, as described herein, by its policy of allowing Trans-identifying Male Inmates into Female Prisons, and that it is therefore void and of no force or effect;
- iii. in the alternative, a declaration pursuant to section 52(1) of the *Constitution Act, 1982* or section 24(1) of the *Charter* that CD-100 violates the section 7, 12, and 15 *Charter* protected rights of Female Inmates, as described herein, by its policy of allowing Trans-identifying Male Inmates with fully intact male genitalia into Female Prisons, and that it is therefore void and of no force or effect;
- iv. a declaration that CD-100 be construed and applied as not to authorize infringements of Female Inmates' rights and freedoms under the *Canadian Bill of Rights*; and
- v. such further and other relief as this Honourable Court may deem just.

72. CAWSBAR does not seek costs, whether successful or not.

73. Where this matter is being brought in the public interest and regarding a subject of national importance, the Plaintiff pleads that costs ought not be awarded against it, even if it is unsuccessful.

74. CAWSBAR proposes that this action be tried at Toronto Ontario.



April 7, 2025

---

**CHARTER ADVOCATES CANADA**

[Redacted]

**Chris Fleury, LSO #67485L**

[Redacted]

**Allison Pejovic, LSA #24411**

[Redacted]

**James Manson, LSO #54963K**

[Redacted]

**Counsel for the Plaintiff**

## SCHEDULE “A”

In this Statement of Claim, the following capitalized terms have the following meanings, including singular or plural usage as the context requires:

- i. “**Canada**” means the Defendant, the Attorney General of Canada.
- ii. “**CAWSBAR**” means the Plaintiff, Canadian Women’s Sex Based Rights.
- iii. “**CSC**” means the Correctional Service of Canada.
- iv. “**CD 100**” means Commissioners Directive 100: *Gender diverse offenders*.
- v. “**Female**” or “**Biological Female**” means of or denoting the sex that can bear offspring or produce eggs, distinguished biologically by the production of gametes (ova) that can be fertilized by male gametes.
- vi. “**Female Inmate**” means a Female who is or was serving a criminal sentence in a Women’s Prison.
- vii. “**Gender**” means a person’s perception of themselves in relation to Biological Sex, as well as a range of other identities that do not correspond to the Male/Female Sex binary.
- viii. “**Male**” or “**Biological Male**” means of or denoting the Sex that produces small, typically motile gametes, especially spermatozoa, with which a Female may be fertilized or inseminated to produce offspring.
- ix. “**Male Inmate**” means a Male who is or was serving a criminal sentence in a Federal Institution.
- x. “**Man**” means an adult Male.

- xi. **“Prison”** means a correctional institution in Canada which is funded and administered by CSC.
- xii. **“Sex”** or **“Biological Sex”** means either of the two main categories (Male and Female) by which humans are distinguished on the basis of their reproductive functions, as observed at or prior to birth.
- xiii. **“SLE”** means Structured Living Environment, a living unit within Women’s Prisons providing mental health care for minimum and medium security inmates.
- xiv. **“Trans”** or **“Trans-identifying”** means a person who identifies with a Gender that does not correspond with their Biological Sex.
- xv. **“Women’s Prisons”** means a Federal Institution that has historically been reserved solely for Female Inmates.
- xvi. **“Woman”** means an adult Female.