

FEDERAL COURT

B E T W E E N:

CANADIAN WOMEN'S SEX-BASED RIGHTS

Plaintiff

and

HIS MAJESTY THE KING

Defendant

NOTICE OF MOTION

TAKE NOTICE THAT the plaintiff will make a motion to the Federal Court on March 3, 2026 at 10:00 am, [REDACTED]

THE MOTION IS FOR:

1. an Order granting the plaintiff public interest standing to commence and maintain this proceeding.

THE GROUNDS FOR THE MOTION ARE:

1. This action was commenced by the plaintiff Canadian Women's Sex-Based Rights ("**CAWSBAR**") by way of a statement of claim filed April 7, 2025 (the "**Claim**").
2. The Claim alleges that the practice of placing and transferring trans-identified male inmates into federal correctional facilities traditionally reserved for women has caused incarcerated women a series of serious harms.
3. The Claim further alleges that Commissioner's Directive 100: *Gender Diverse Offenders* ("**CD-100**"), which specifically authorizes such placements and transfers,

violates the rights of female inmates under sections 7, 12 and 15 of the *Canadian Charter of Rights and Freedoms* and sections 1(a), 1(b) and 2(b) of the *Canadian Bill of Rights*.

4. The Claim 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.
5. From 2019 to the present day CAWSBAR has worked to preserve the sex-based rights and protections of women and girls across Canada. 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.
6. CAWSBAR, by way of its advocacy work on behalf of biological women, including female federal inmates, has a real stake and a genuine interest in the issues raised.
7. The proposed litigation is a reasonable and effective way to bring the issue before the Court.
8. CAWSBAR has the the resources, expertise, and ability to present to the Court a sufficiently concrete and well-developed factual setting.
9. Charter Advocates Canada ("**CAC**") is a Civil Society Organization, dedicated to providing *pro bono* legal services to the public, and is providing legal support to CAWSBAR. CAC has the financial and legal resources to assist CAWSBAR in advancing this proceeding. Further, CAC has prioritized this matter and will continue

to allocate all resources necessary to ensure that it is advanced in a fulsome and expeditious manner.

10. The marginalized status of female inmates, as well as their incarceration which presents separate practical obstacles, makes it difficult or impossible for an individual inmate to bring a similar proceeding. As a result, there is no other viable alternative method of proceeding.

11. Individual female inmates, whose interests might be more directly affected by CD-100 than the plaintiff, would not be negatively impacted by granting standing to CAWSBAR.

12. Rule 50(1) of the *Federal Courts Rules* permits this motion to be adjudicated by an Associate Judge of the Federal Court.

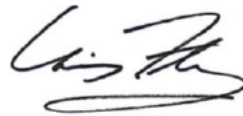
13. Rules 50(1), 358-368 and 385(1) of the *Federal Courts Rules*.

14. Such further and other grounds that counsel may advise, and this Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. the affidavit of Heather Mason; and
2. the affidavit of Marty Moore.

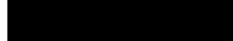
December 5, 2025



CHARTER ADVOCATES CANADA



Christopher Fleury



[REDACTED]
Allison Pejovic
[REDACTED]

James Manson
[REDACTED]

Counsel for the plaintiff

TO: **ATTORNEY GENERAL OF CANADA**
Department of Justice Canada

[REDACTED]
Monmi Goswami
[REDACTED]

Oliver Backman
[REDACTED]

Counsel for the defendant