

# [Where we Agree and Disagree with C-16](#)

In the media our campaign has been portrayed as being against trans-rights, or even against trans individuals. Neither of these are true and we want to clarify why we are against aspects of gender-based rights legislation like C-16, what aspects we have no problem with, and what our proposed solutions are. We truly believe, and it has been our experience wherever there is true dialogue, that there are areas of considerable agreement about a number of our concerns, and that solutions are not difficult. If you don't have much time for the preamble, feel free to skip down to "our solutions".

## **The Bill**

[Bill C-16](#) "amends the Canadian Human Rights Act to add gender identity and gender expression to the list of prohibited grounds of discrimination." The [Department of Justice states](#): "Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from the gender typically associated with their sex assigned at birth. When a person's gender identity is different from the gender typically associated with their sex assigned at birth, this is often described as transgender or simply trans." "Gender expression is the way in which people publicly present their gender. It is the presentation of gender through such aspects as dress, hair, make-up, body language, and voice."

The Bill will also update the criminal code in two ways; 1) it will place gender identity and expression under those things protected from hate propaganda, and 2) if there is evidence that an offense was motivated by hate because of gender identity or expression, a court should take that into consideration in sentencing.

## **Where We Agree**

We are in full agreement that trans individuals deserve protections and are happy to see those protections increased. We repudiate any violence or prejudice against trans individuals. We are also in agreement with including gender identity and expression under hate speech, although considering what we have seen in some areas of culture, we are concerned with how this may be applied. Is supporting detransitioned individuals and their concerns about current medical practice hate speech? Is a gender clinic practicing caution in transitioning children, or using "the Dutch protocol" considered to be hateful?

We are also in general agreement with trans individuals having workplace and employment protections. Again, much of these things depend on implementation by the courts. A decade ago, we believe the Supreme Court made the [right decision](#) in a court case where a transwoman applied to be a counselor at a women's rape crisis centre in Vancouver. Would Bill C-16 change or influence the courts in a different direction a decade later?

## **Where We Disagree**

The problem we find with Bill C-16 is that because gender is undefinable, it obligatorily pits gender-rights against sex-rights. Unlike most other human rights, the inclusion of gender identity and expression rights means the exclusion of other rights. We've heard much talk about "bathroom bills", but Bill C-16 will apply to showers, locker-rooms, rape shelters, and kid's camp cabins as well. Up until now, at least under federal law, women have had the right to privacy in sex-segregated spaces when they are unclothed and feel vulnerable. Most women I know would not feel comfortable in a shower naked with a strange male (even if they identified as a woman). We know that this is a significant part of the discussion on Bill C-16 because of speeches in the House and Senate, and the [government's own statements](#):

Q. Would these amendments allow people with male anatomical characteristics full access to women's and girls' washrooms and change rooms?

A. Transgender persons have a right to be treated according to their deeply-felt gender identity. In many situations, that includes the right of a person who lives as a woman to use women's facilities, even if she has some male anatomical characteristics. These amendments will codify that right. Transgendered and other gender-diverse Canadians already use gender-appropriate bathrooms and pose no greater threat than anyone else in doing so; they simply want to use the washroom or change room that corresponds with their lived identity.

We have no problem with a transgendered individual wanting to use a washroom or change room that corresponds with their lived identity. We have a significant problem with the removal of the right for women and girls to set sex-based boundaries when they are unclothed and vulnerable: to be free from [male anatomy](#), [male genitalia/erections](#), male size and strength. The sheer volume of women in our society who have been sexually abused or who will face an unwanted sex act in their lifetime is enormous. We are arguing that gender rights MUST NOT remove the rights of these women who don't want biological males in their safe spaces.

## **Our Solution**

I will focus on the women's privacy and protection issue here. These issues constitute the lion's share of our concerns with C-16, although we do also have some free speech concerns, and how celebration of gender fluidity is having an impact on the exponential increase of children, especially girls, presenting with gender dysphoria at gender clinics around the world.

We propose that the government mandate that businesses and public facilities over a certain size have three washrooms/changerooms: male, female, and a single-user

locked unisex space(s). This third space can be used by disabled individuals, parents with children, and trans individuals. If an individual has fully transitioned including full sex-reassignment surgery, we have no problem with them using their target sex/gender space. If businesses are very small, an appropriate amount of single-used locked unisex spaces should be available.

We believe this is reasonable and would be [supported by the majority](#), perhaps vast majority, of Canadians. While we know that many trans advocates will say this is discriminatory simply because it treats them as not fully their target or “core” gender simply upon identification or feeling, it is nonetheless a fair compromise and protects women’s safety and privacy.

We do not support unisex spaces where they are not fully enclosed and locked, as our [violence database](#) shows these will be used by predatory males to take advantage of women’s vulnerability and nudity. This database does not prove that transwomen are predatory in safe spaces, but that men take advantage of opportunities, as was the case in the [University of Toronto debacle](#).

We are not against trans individuals. We are not even against trans rights, depending on your definition. We are against gender-rights when they result in the removal of women’s rights, safety, protections, privacy, and very identity under the law. We think [most Canadians agree](#).