

The High Cost of Doing Nothing

Jim Enos

Ontario President, CHP Canada

This coming February 3, CHP Canada will be back in court, defending the right of Canadians to post their views about live public policy, on public property, in a peaceful manner. It was on February 1, 2023 (3 years ago) that CHP Hamilton Mountain first submitted their 'Woman: An Adult Female' ad to the City of Hamilton's ad agency Outfront Media, to which the agency replied:

"Hi Jim,

The artwork has been declined as it does not conform to the Ad Standards Code. Sorry afraid we can't run that."

That same day we replied back, "Stating that woman is an adult female is against the Ads Standards Code? Why would that be?"

There was no reply, but why? Of course, it is because they knew that they had no real grounds on which to restrict a registered federal political party from posting its position on live public policy, on public property. This was made very clear by the courts in our previous case ruling of 2018, when the City had removed our 'Competing Human Rights: Where is the Justice?' ads from their bus shelters. Among several other things, the three judge panel, in their unanimous ruling against the City, wrote:

(55) The importance of freedom of expression demands that, where limits are placed upon political expression in public fora that are traditionally used for that purpose, care must be taken. We disagree with counsel for the City who submitted that the remedy imposed by the City (removal of the Advertisements) is minor in so far as the applicants were free to advertise elsewhere. To the contrary, the remedy imposed is dramatic in so far as it abridges the applicants' Charter rights to make use of legally- and constitutionally-recognized platforms to engage in a fundamental value (*Greater Vancouver Transit Authority*, supra as para. 77).

With that kind of ruling against the City, who would imagine that the City would dare decline one of our reasonable ads again, but decline they did. After the silent treatment from Outfront Media, our lawyer wrote the City and demanded an explanation, which took the City about 5 months to prepare. In their response, they wrote:

"At first glance, the advertisement which presents a cis-gender woman with the caption "Woman: an adult female" states a simple definition that can be found in most dictionaries. However, in the broader context of current social and cultural dialogues, this statement carries an exclusive undertone. It implicitly suggests that only those who are biologically born female can be considered women, thereby excluding individuals, such as transgender women, who identify as female but were not assigned this gender at birth."

This, in fact, is the position of CHP Canada. The reason for the ad was to promote public discussion on a very important public policy that attempts to re-define gender (sex) as being detached from biology; essentially erasing terms like “man, woman, boy and girl” and replacing them with “person”. We see this not only as a pretension, which we are called to demolish, but it also goes against the knowledge of God, which is dangerous to the wellbeing of all.

Our position of concern was recently supported by The UN Special Rapporteur on violence against women and girls, an expert appointed by the UN Human Rights Council. She comments in a 2025 report, that the “...concerted international push to delink the definition of men and women from biological sex...” results in denying female persons their “...right to be recognized in law as a distinct, particularly vulnerable group in need of targeted protection.” Later in this report she wrote, “...what is not defined cannot be protected.” Report of the Special Rapporteur¹ (PDF)

In October of 2024, we were stunned to have the Ontario Divisional Court rule in favour of the City, given the precedent of our favourable 2018 ruling, which was essentially ignored in the 2024 ruling. After much deliberation, we on the National Board, on the recommendation of our legal counsel, opted to appeal the ruling at the Ontario Court of Appeal, and the appeal has been granted, which is a good sign. The other encouraging news is that, approved as an intervener on our side, is ARPA Canada, who are very well versed in these types of cases. Among other things, ARPA will argue that the Ad challenges prevailing notions in Canadian law, policy, and society that the CHP considers untrue and damaging.

By now, some readers must be asking, how much has all of these court proceedings cost? What will the final cost be? Is it all worth it? And, what if we lose? The final cost may be close to \$250,000, and to date, thanks to the generosity of CHP members and many non-members, we have successfully covered the invoices, but it is very tight for sure. “Is it worth it?” and, “What if we lose?” are fair questions, and my response has never changed over the years, which is: What if we don’t try? What if we simply lose by forfeit? Forfeiting biological realities and our freedom to demolish arguments and pretensions, which put themselves up against the knowledge of God, is far too great a cost—the high cost of doing nothing.

If you have not yet contributed financially, now is the time. Please go to Created Male and Female² right now and consider a substantial contribution of \$400 or whatever you feel led to give (your maximum annual contribution to the CHP Canada national office may not exceed \$1,750 for the year 2025). If you have already maxed out for 2025, please consider giving again in January. Equally important, please, remember to pray for God’s intervention, as we seek to be obedient to our calling in this. If we don’t fight this darkness as a Christian-based political party, we are not aware of any other party who will.

Footnotes

¹ www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session59/advance-version/a-hrc-59-47-aev.pdf

² www.chp.ca/chpvshamilton

The Christian Heritage Party of Canada

www.chp.ca • NationalOffice@chp.ca • 1-888-VOTE-CHP (868-3247)

PO Box 4958, Station E, Ottawa, Ontario K1S 5J1

Authorized by the Chief Agent of the Christian Heritage Party of Canada and may be copied.
