

FILE NO.
HALIFAX REGISTRY

FEDERAL COURT – TRIAL DIVISION

BETWEEN

AMANDA JOY COOPER

APPLICANT

AND

ATTORNEY GENERAL OF CANADA

RESPONDENT

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Halifax, Nova Scotia.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Court Rules, 1998* and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the *Federal Court Rules*, 1998, 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 OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

DATED: September 3, 2025

Issued by:

Address of Federal Court of Canada
local office: 1801 Hollis Street, 17th Floor
Suite 1720
Halifax, NS B3J 3N4

TO: **Attorney General of Canada**
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Counsel for the Respondent

APPLICATION

THIS IS AN APPLICATION for judicial review of a decision of Jeff Mitchell of the Correctional Service Canada, dated July 25, 2025, that the Applicant will be involuntarily transferred to Millhaven Institution, an institution designated for men (the “Decision”). The Applicant was notified of this decision on or around August 12, 2025.

THE APPLICANT makes application pursuant to sections 18 and 18.1 of the *Federal Court Rules* for:

1. An Order quashing the Decision to transfer the Applicant to an institution designated for men;
2. An order of mandamus and/or certiorari, or other such applicable relief directing that the Applicant be transferred to an institution designated for women;
3. A declaration that the Applicant’s transfer to an institution designated for men is unlawful and a violation of her *Charter* sections 7, 12, and 15 rights; and
4. An Order for costs such as this Honourable Court may award.

THE GROUNDS for the application are:

1. The Applicant is currently a 58-year-old transwoman, serving an indeterminate federal sentence. She has been incarcerated at Atlantic Institution since she was transferred from Archambault Institution on November 4, 2024.
2. In September 2024, the Applicant received gender-affirming surgery, including operations on her upper and lower body. The surgeries included a vaginoplasty to construct her vulva and vagina, breast augmentation, and tracheal shave to alter her laryngeal prominence. The Applicant continues to take estrogen and progesterone, which she will take for the rest of her life.
3. Correctional Service Canada (hereinafter, “CSC”) has issued various policy documents, otherwise called “Commissioner’s Directives” (hereinafter, “CDs”). *Commissioner’s Directive 100* states that prisoners will be placed according to their gender identity, however in the event there are overriding health or safety concerns, a prisoner may be placed according to their sex. The Applicant identifies as female and her sex is female, according to the CSC Offender Management System.
4. The Applicant has made multiple requests for transfer to a women’s institution that have either been denied or are currently pending.

5. On August 12, 2025, the Applicant received notice of an involuntary transfer to another institution designated for men, Millhaven Institution, purportedly to alleviate placement in the Structured Intervention Unit (the “Decision”).
6. The Applicant states that any decision placing her in or transferring her to an institution designated for men, including the Decision, is substantially unreasonable in that:
 - a. The reasons for the Decision provided are inadequate to a standard of reasonableness.
 - b. It is untenable in light of the relevant factual constraints;
 - c. It is untenable in light of the relevant legal constraints, including the *Corrections and Conditional Release Act and Regulations*, Commissioner’s Directives, and *the Canadian Human Rights Act*.
 - d. It is untenable in light of the relevant legal constraints concerning Canada’s international obligations;
 - e. It is untenable in that its reasons do not address nor reflect the severity of the impact of the Decision on the Applicant;
 - f. It does not consider the Applicant’s section 7, 12 and 15 rights under the *Charter of Rights and Freedoms*; and
 - g. A less impairing decision is available.
7. Such further and other grounds as this Honourable Court might allow.

THE APPLICANT relies upon the following law, legislation and policy:

1. Sections 3, 4, and 70 of the *Corrections and Conditional Release Act*;
2. Sections 15 of the *Corrections and Conditional Release Regulations*;
3. Section 3(1) of the *Canadian Human Rights Act*;
4. Commissioner’s Directive 100: Gender diverse offenders, sections 40-51 and Appendix A-B;
5. Commissioner’s Directive 710-2: Transfer of Inmates;
6. Guideline 710-2-3: Inmate transfer process, sections 3 and 13;

7. Guidelines 711-3: Transfer of Inmates out of a Structured Intervention Unit, section 2;
8. Sections 7, 12, and 15 of the *Charter of Rights and Freedoms*;
9. Articles 2, 7, and 10 of the *International Covenant on Civil and Political Rights*;
10. Principles 2, 5, 9 of the Yogyakarta Principles (2007) and Yogyakarta Principles Plus 10 (2017)
11. Sections 18 and 18.1 of the *Federal Court Act* and corresponding *Federal Court Rules*;
12. And other such relevant legislation as counsel may advise and this Honourable Court may permit.

THIS APPLICATION will be supported by the following material:

1. Affidavit of Amanda Joy Cooper, affirmed August 28, 2025; and
2. Such further material as the applicant may advise and this Honourable Court may permit.

THE APPLICANT requests that the Respondent send a certified copy of the following material that is not in the possession of the Applicant but is in the possession of the Respondent to the Applicant and to the Registry:

1. All materials, documents, correspondence, and notes relating to the Decision.

DATED at Dartmouth, Nova Scotia, this 3rd day of September 2025



Emma Arnold and Jessica D. Rose

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