

BLIZZARD

Shocking case proves 'Toby's Law' is flawed



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Barbara Hall, chief commissioner of Ontario Human Rights Commission. (Ernest Dorozuk/Toronto Sun)

TORONTO - It's every woman's nightmare.

A man posing as a woman invades her personal space: The gym. A washroom. A women's shelter.

That's precisely the power that's been given to any pervert in this province.

Any man who claims to be a transgender woman has the legal right to use women-only facilities with impunity.

It's a right enshrined in law for 15 years and reinforced in 2012 by "Toby's Law."

A man who still has all his male parts, and is not undergoing hormone treatment, can simply say he's a woman and access women's facilities.

It's championed by Barbara Hall, head of the Ontario Human Rights Commission.

In a letter on her website, in response to a Toronto Star article about a transgender "woman" exposing male genitalia to a woman in a gym change room, Hall said such stories are fear mongering.

"We have never seen a documented case of a heterosexual man gaining access to a woman's change room by posing as transgender. In fact, in washrooms and change rooms, and in society at large, transgender persons are more at risk than anyone else of being harassed, abused, assaulted, or even killed," Hall said in her letter.

The shocking case of Christopher Hambrook shows just how wrong Hall is.

Hambrook was not transgender, but used the law to prey on the most vulnerable women in our midst -- the homeless, the disabled and people living in shelters.

Calling himself "Jessica," Hambrook was accepted into two women's shelters in Toronto.

Imagine the shock of a woman surviving domestic abuse and finding herself sharing a room with a sexual monster.

In February 2012, one of his victims went to bed wearing tights, a bathing suit and a lightweight shirt in an attempt to cover herself. She awoke to find Hambrook assaulting her.

“Her tights had been pulled down past her bottom and her bathing suit had been pulled to the side,” court documents reveal. “She yelled at the accused, demanding to know what he was doing. He simply covered his face with his hands, said ‘Oops!’ and started giggling.”

In a second incident, he stalked a deaf and homeless woman living in the shelter and her on a landing.

“The accused grabbed the complainant’s hand and forcibly placed it on his crotch area while his penis was erect,” court heard.

The woman was so terrorized, she couldn’t sleep.

When she used the washroom, Hambrook peered at her through the gap between the door and its frame.

Crown attorney Danielle Carbonneau told court of the devastating consequences of these attacks.

“Mr. Hambrook’s conduct inflicted severe psychological damage on both victims,” she said. “(They) sought refuge at Toronto women’s shelters at difficult times in their lives. They thought that they would be safe there, but instead, they were further victimized by the accused.”

Psychiatric reports say Hambrook is not transgender.

He lied about hormone treatments and told his psychiatrist he had only intermittently been dressing in female clothing and that his psychiatrist was, “unaware of his gender dysphoria and that he hoped to pursue a relationship with an adult female in the future while he remained in the male role.”

This is the only court case of this nature of which I am aware.

I requested an interview with Hall last week. Her spokesman Pascale Demers responded by e-mail: “Unwanted sexual behaviour is unacceptable. Sexual harassment is unlawful under the Human Rights Code and sexual assault is unlawful under the Criminal Code. Under human rights law, everyone has the right to use facilities based on their lived gender identity.”

Well, not when they harm others.

This is not about transgender people. Those who can provide a doctor’s note that they’ve had surgery and hormone treatment should certainly be accommodated in female facilities. But, those who haven’t must surely understand the safety of the wider female population trumps their right to change wherever they please. If they’re uncomfortable in a male change room, they can use a private cubicle.

Women have a right to protection

This is a bad law that allows heterosexual predators access to women in their most personal moments. Extra care should be taken to protect at-risk women in vulnerable situations, such as homeless shelters.

It’s shocking that Hall -- a feminist who claims to fight violence against women — would support a law that’s traumatized a deaf woman and another woman who sought refuge from domestic violence.

This law must be changed.

We cannot let political correctness trump common sense, human dignity — and the safety of women.

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