

# THIS PROPOSED ABORTION LAW CAN BE STOPPED. HERE'S HOW.

The pro-choice movement has never been stronger. We must now mobilize our strength to stop this bill. We believe that if we can stop this bill, the government will not bring in another abortion law.

## *Here is what you can do:*

- Write, call and visit your member of Parliament (a lobby kit to assist you in preparing for a meeting is available from NAC)
- Write Prime Minister Brian Mulroney, Justice Minister Doug Lewis and/or Minister Responsible for the Status of Women Barbara McDougall, House of Commons, Ottawa K1A 0A6.  
Tell these politicians you are pro-choice and Canada does not need an abortion law.
- Get your organization to adopt a position against the new law and publicize it.
- Participate in pro-choice activities in your area.
- Circulate this pamphlet.
- Donate to the NAC Pro-Choice Committee.

## *For more information contact:*

National Action Committee  
on the Status of Women  
344 Bloor Street West, Suite 505  
Toronto, Ontario M5S 3A7  
(416) 922-3246

- your regional NAC representative
- or your local pro-choice organization

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The Federal  
Government  
is about to pass a  
law that will make  
your most intimate  
and personal  
decision  
a crime.

YOU CAN HELP STOP  
THEM.

KEEP  
ABORTION  
LEGAL

NO NEW  
ABORTION  
LAW

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National Action Committee  
on the Status of Women

# CANADA'S PROPOSED ABORTION LAW:

## *Makes a personal decision a crime.*

The proposed abortion law, Bill C-43, will re-criminalize abortion. Women have fought long and hard to remove abortion from the Criminal Code. We have fought to establish the principle that abortion is a woman's right, a personal and private decision. And most Canadians agree with us.

Under the proposed law, abortion is a crime with a maximum penalty of two years unless it is performed under certain circumstances. Like the old law, a woman's health or life must be in danger. An emotionally and physically healthy woman, like Chantal Daigle, who makes the decision she does not want a child, is not eligible for an abortion under the new law.

Women won the right to freedom of choice through the Supreme Court decision on Morgentaler. In the majority opinion, Chief Justice Dickson said:

*"Forcing a woman, by threat of criminal sanction to carry a foetus to term unless she meets certain criteria unrelated to her own priorities and aspirations, is a profound interference with a woman's body and thus an infringement of the security of the person."*

The proposed abortion law is a profound interference with a woman's right to control her own body.

## *Takes choice out of the hands of women.*

Bill C-43 makes abortion a doctor's decision under threat of criminal sanction. It says that abortion is a criminal offence unless "a medical practitioner...is of the opinion that, if the abortion were not induced, the health or life of the female person would be likely to be threatened."

The bill is patronizing and demeaning to women. A woman who chooses abortion because it is the most responsible decision for her life or her family's lives will be placed in a position of either being denied access or lying about her situation.

Women can be charged under the bill for self-inducing abortions (for example, using new drugs) or for lying to a doctor.

## *Further restricts access to abortion.*

The proposed abortion law does nothing to improve access to abortion and will restrict access further in the very areas where it is already difficult.

In many parts of Canada today, abortion is not available.

- PEI has no access to abortion whatsoever
- Newfoundland's service is limited to one doctor in St. John's
- 70 to 80% of abortions in the province of Quebec are done in Montreal
- Alberta women wait an average of five weeks for abortion services in Edmonton

Poor, immigrant and young women without connections and without money have trouble finding abortion services all over Canada. And the proposed abortion law will make it worse.

The threat of being dragged through the courts and a possible two year jail term will intimidate many doctors.

Anti-abortion groups have already announced that they will harass doctors, look for test cases, and do everything possible to enforce the new abortion law. Even one prosecution against a doctor will stop other doctors from performing the procedure.

The vagueness of the definition of "health" in the bill will ensure that different doctors, different crown attorneys and different judges will interpret the bill differently. Moreover, the bill deliberately excludes the broad definition of health used by the World Health Organization that includes social well-being.

## *Permits third party intervention.*

At the same moment as the Supreme Court decision in the Daigle case removed the possibility of third party civil action to stop abortion, the federal government's proposed law opens up the possibility of third party criminal action.

A disgruntled boyfriend or husband could swear an information that his partner does not have health reasons for seeking an abortion. An anti-abortion doctor, first consulted, could testify that the

woman's health was not really at stake. Anti-abortion groups have talked about finding women who have changed their minds after abortions to testify against doctors.

## *Is not needed.*

Canada does not need an abortion law. The recent Supreme Court decision in Daigle makes clear that under present Canadian law a foetus has no legal rights until it is born, and a potential father has no right to veto a woman's decision concerning the termination of her pregnancy.

A whole body of medical laws and regulations ensure that only a qualified medical practitioner can perform an abortion or other surgical procedure.

The existence of a criminal law does nothing to guarantee access to abortion. All abortions were stopped in PEI in 1982, when the old abortion law was in place. This law will not prevent provincial attempts to further restrict access, such as the law in Nova Scotia preventing the establishment of abortion clinics.

The federal government could ensure access by using its powers under the Canada Health Act to withhold transfer payments from the provinces that fail to provide abortion services. This tactic was used successfully to stop extra-billing under medicare and could be used to ensure access to abortion.

## *Is not a compromise.*

This bill is no compromise. It does not recognize a woman's right to choose. It further restricts access. It puts abortion back in the Criminal Code and is open to further restrictive amendments. For example, if the word "health" were omitted from the bill, abortion would be banned in Canada.

The anti-abortion groups are angry about the bill because they will not be satisfied by anything short of a total ban on abortion.