

December 17, 2019

The Right Honourable Justin Trudeau P.C., M.P.
Prime Minister of Canada and Minister of Intergovernmental Affairs
Langevin Block
Ottawa, ON, K1A 0A2

Dear Prime Minister,

Congratulations on your re-election to the House of Commons and your swearing-in as Prime Minister of Canada.

I write to you on behalf of Action Canada for Sexual Health and Rights – formerly Planned Parenthood Canada – a progressive, pro-choice charitable organization committed to advancing and upholding sexual and reproductive health and rights in Canada and globally.

As you begin your second mandate as Prime Minister, we urge you to take action on the following issues which require coordination across ministries:

1. Address uneven access to abortion care across the country – including by enforcing the *Canada Health Act*

We were pleased to hear your commitments to address persisting barriers regarding abortion access across the country, including in New Brunswick. Access to abortion remains a serious concern for many across the country. Only one hospital in six offers abortion in Canada. Unnecessarily rules and regulations at provincial and territorial levels, or within regional health systems and hospital settings, prevent access. Many people seeking care have to travel large distances to access abortion, and often must travel to the US for abortion services post-23 weeks, face interference and intimidation from anti-choice organizations and activists that often mislead, confuse, and delay individuals seeking an abortion, or experience harassment, threats, violence, and intimidation from anti-choice protesters outside of sexual health clinics and hospitals which provide abortion.

Your urgent action is required to address the discriminatory regulation 84-20 of New Brunswick's *Medical Services Payment Act*. The continued refusal by the province to fund out of hospital abortions is a clear and serious violation of the *Canada Health Act*. Your mandate letter to the Minister of Health includes ensuring compliance with the *Canada Health Act* on matters related to extra billing, as well as ensuring all people in Canada have access to the full suite of reproductive services and medications across the country. We expect your leadership in putting an end to the human rights violations taking place in New Brunswick, and in other parts of the country, through barriers that prevent access to what has long been defined as a medically necessary service: abortion.

Immediate action is needed to: (1) withhold cash transfers under the *Canada Health Act* to New Brunswick until it eliminates regulation 84-20 of the *Health Services Payment Act*, which prevents the funding of abortion care outside of hospital settings, (2) task Health Canada with publishing accurate information regarding abortion care and how to access it across the country, and (3) establish a fully-funded national protocol for people seeking abortion services post-23 weeks outside of Canada.

2. Convene jurisdictions to advance quality sexuality education across the country

Comprehensive sexuality education is recognized as a human right of all young people, yet the sex-ed young people in Canada receive is severely lacking, if taught at all. It is not in line with international standards, is outdated, is not comprehensive, is not monitored or evaluated to guarantee quality, and is taught by educators with low to no support. The evidence is clear: sex-ed saves lives. When done right, it is life-changing and supports health and safety. Quality sex-

ed promotes consent, reduces STI rates, creates LGBTQI2S+ visibility and inclusion, and generally makes young people happier, healthier, and safer.

The [Government of Canada has a human rights obligation](#) to provide evidence-based, scientifically accurate, gender-sensitive, LGBTQI2S+ inclusive, and sex-positive sex-ed to all students. Despite education being provincial jurisdiction, the federal government has the capacity to support educators in their delivery of sex-ed by working *with and supporting* provinces and territories to build capacity to delivery quality sex-ed, in line with the [2019 Canadian Guidelines for Sexual Health Education](#).

This requires: (1) launching a national strategy and awareness raising campaign to equalize access to comprehensive sexuality education across provinces and territories, in line with the *Canadian Guidelines for Sexual Health Education*, (2) allocating funds to the Public Health Agency of Canada to invest in the training of professional sexual health educators, and (3) conducting regular national monitoring of sexual health indicators.

3. Immediately implement a national pharmacare strategy that is universal, single-layer, portable, accessible and comprehensive & establish a national sexual health survey

Many individuals in Canada are falling through the cracks, unable to afford the medicine and devices they need to support their sexual and reproductive health. The ability to manage your own fertility, decide if and when to have children, have healthy pregnancies, affirm your own gender, and prevent, treat, or manage sexually transmitted infections (STIs), including HIV, should not depend on private or patchwork insurance coverage. With these gaps in drug coverage disproportionately affecting the health outcomes of some populations more than others (e.g. women, Indigenous communities, trans and gender non-conforming people, racialized communities, and those of lower socioeconomic or health status), the absence of universal Pharmacare is an issue of inequality and discrimination.

There is currently no national sexual health survey in Canada. Most countries around the world, including Canada's peers in the G7, conduct regular national surveillance to monitor the following important health issues: sexually transmitted and blood borne infections (STBBIs), involuntary sterilization, pregnancy intentions and outcomes, contraceptive use, unmet contraception needs, and gender equity markers – including attitudes, men's sexual health, and intimate partner violence, and experiences of sexual violence and of reproductive coercion. It denies us important opportunities that not only make fiscal sense but lead to progress in gender and health equity. It undermines our ability to design and deliver evidence-based policies and programs, to respond to sexual and reproductive health trends, to meet international human rights obligations and the UN Sustainable Development goals, and, most importantly, to work towards better health outcomes and health equity for all.

4. Decriminalize sex work and immediately repeal the Protection of Communities and Exploited Persons Act, as a first step towards protecting the health and safety of sex workers

Immediate action is needed to ensure compliance with the Supreme Court of Canada's 2014 Bedford decision, as well as the domestically and internationally enshrined rights to non-discrimination, health and safety and bodily autonomy. This call to action is supported by our allies across the Canadian Alliance for Sex Work Law Reform (a coalition of 27 sex worker rights organizations across the country) and over 150 justice-seeking civil society organizations, representing millions of people in every part of the country, who endorsed a statement of solidarity with sex workers. The first sentence of this statement condemned the criminalization, over-policing, and surveillance of sex workers, and called for decriminalization as the first step to protecting and respecting the human rights of all sex workers. The statement also called for the full repeal of all criminal and immigration laws that target sex workers.

We urge you to work together with all relevant Ministers to engage in meaningful consultations with sex workers and their communities to support the policy and law reforms necessary to ensure an end to acts of targeting, harassment and surveillance of sex workers that enabled and perpetrated by the state, and government employees including police

officers, immigration, and border control personnel, health care providers, and social workers. We ask that you work together with sex workers towards ensuring the equity and human rights to which they are entitled.

5. Create a Canadian Global Policy on sexual and reproductive rights

In the face of increasing pushbacks against women's health and human rights around the world, Canada is uniquely positioned to help fill gaps where sexual and reproductive health services have been affected by rising populist attacks on women's rights, including the U.S. Global Gag Rule, and increasing inequality around the globe. Canada has the opportunity to help prevent this backsliding and support the SRHR advocates and human rights defenders holding the line against these attacks. Further, action on the neglected areas of SRHR is critical to achieving the targets set in the 2030 Agenda for Sustainable Development, to which Canada has signed onto. A policy is required to guide foreign policy and development assistance, and prevent backslides.

The announcement you made at the 2019 Women Deliver Conference is the largest commitment Canada has ever made in the realm of development assistance. Implementation of this commitment must also be accompanied by a Canadian Global SRHR policy to define Canada's strategy to advance SRHR, identify linkages across departmental priorities and areas of work, support the increase in capacity required to increase leadership in this area, and prevent backsliding on SRHR.

6. Establish a robust accountability framework to engage all levels of government to ensure compliance within Canada's international human rights obligations

Canada faces profound shortcomings in preparing for and implementing outcomes from international human rights reviews. Canada has no process to effectively implement human rights law and recommendations across jurisdictions. Even more basic than that, processes by which the government consults civil society regarding these reviews are either nonexistent or perfunctory. Most of the issues that we will speak of today have been negatively impacted by Canada's failure to ensure compliance with human rights recommendations across jurisdictions.

We have communicated all of the above to relevant Ministers and look forward to being in touch with them and their Senior Officials to discuss concrete action. **We would also welcome the opportunity to meet with you and your colleagues to discuss these issues in greater detail.**

Sincerely,



Sandeep Prasad

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CC: The Honourable Patty Hajdu, P.C. M.P., Minister of Health

CC: The Honourable Karina Gould, P.C., M.P., Minister of International Development

CC: The Honourable David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada

CC: The Honourable Maryam Monsef, P.C., M.P., Minister for Women and Gender Equality