

Action Canada
for Sexual Health & Rights



Action Canada
pour la santé & les droits sexuels

Abortion as a Federal Advocacy Issue in Canada

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About Action Canada & Housekeeping



- This session is being recorded. Later this week, we will send out an email with the Powerpoint and a link to the recording.
- Please use the chat feature if you have technical, audio, or video issues and we will try to assist.
- Please use the Q&A feature at the bottom of the page if you have a question you'd like to ask the presenters. If we are unable to get to your question, we may answer it in our follow-up email.



The beginnings of state control over reproduction



- Reproductive labour (child-rearing, home-making) not viewed as valuable in comparison to waged work
- Criminalization of female midwifery
- Ongoing gaps in access



Abortion in Canada: a brief history

- 1803: the *Ellenborough Act* treated abortion after quickening as a felony
- 1837: *Ellenborough Act* amended to ban abortion before and after quickening
- 1869: Both doctors and women who had abortions could be charged for breaking the law – this remained in effect until the 1960's when Canada followed Britain in changing their law
- 1969: “The state has no business in the bedrooms of the nation.” Pierre Trudeau introduces the Omnibus Criminal Reform Bill.



The myth of the 1969 Criminal Code reforms

- Clause 18 of the *Omnibus Bill*: Abortions could only take place at hospitals with the consent of a therapeutic abortion committee of at least three doctors and only in cases where the pregnancy would endanger the woman's "life or health."
- The average wait for an abortion was 8 weeks, with many provinces refusing to provide any services.



The Abortion Caravan and the Morgentaler decision



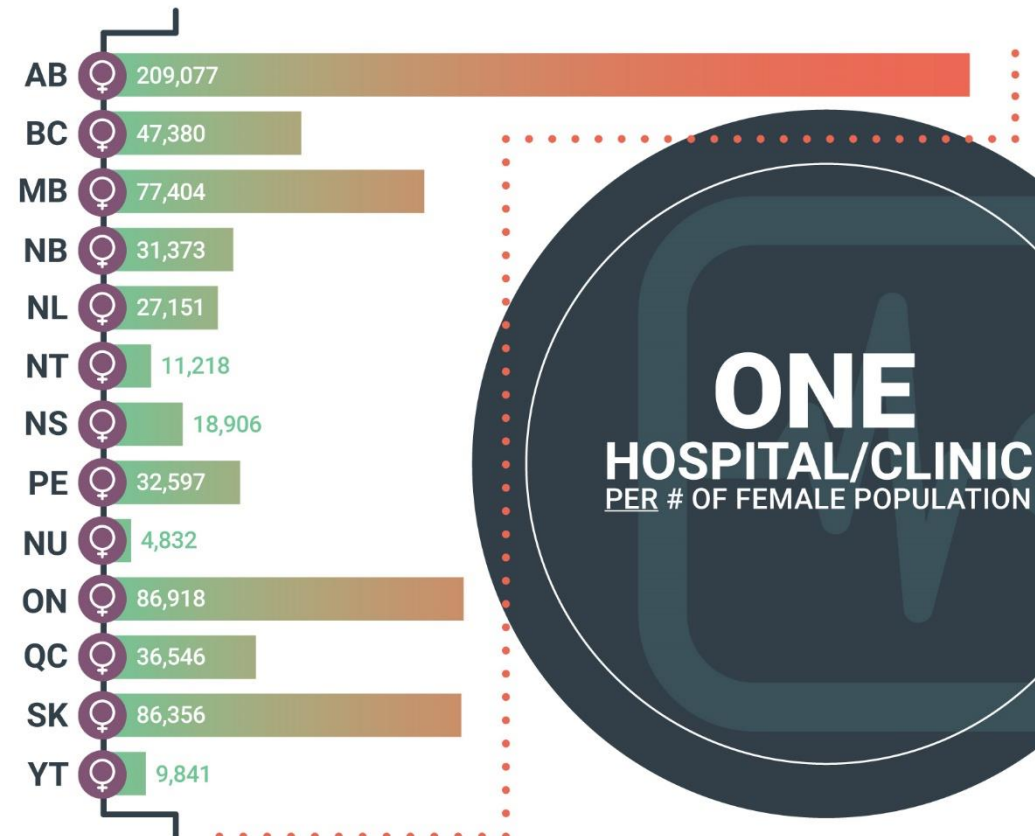
- May 8, 1970: The Abortion Caravan arrives in Ottawa
- 1988: the Supreme Court of Canada strikes down the law which criminalized abortion
- 1995: the Canadian Health Minister deems abortion a medically necessary procedure



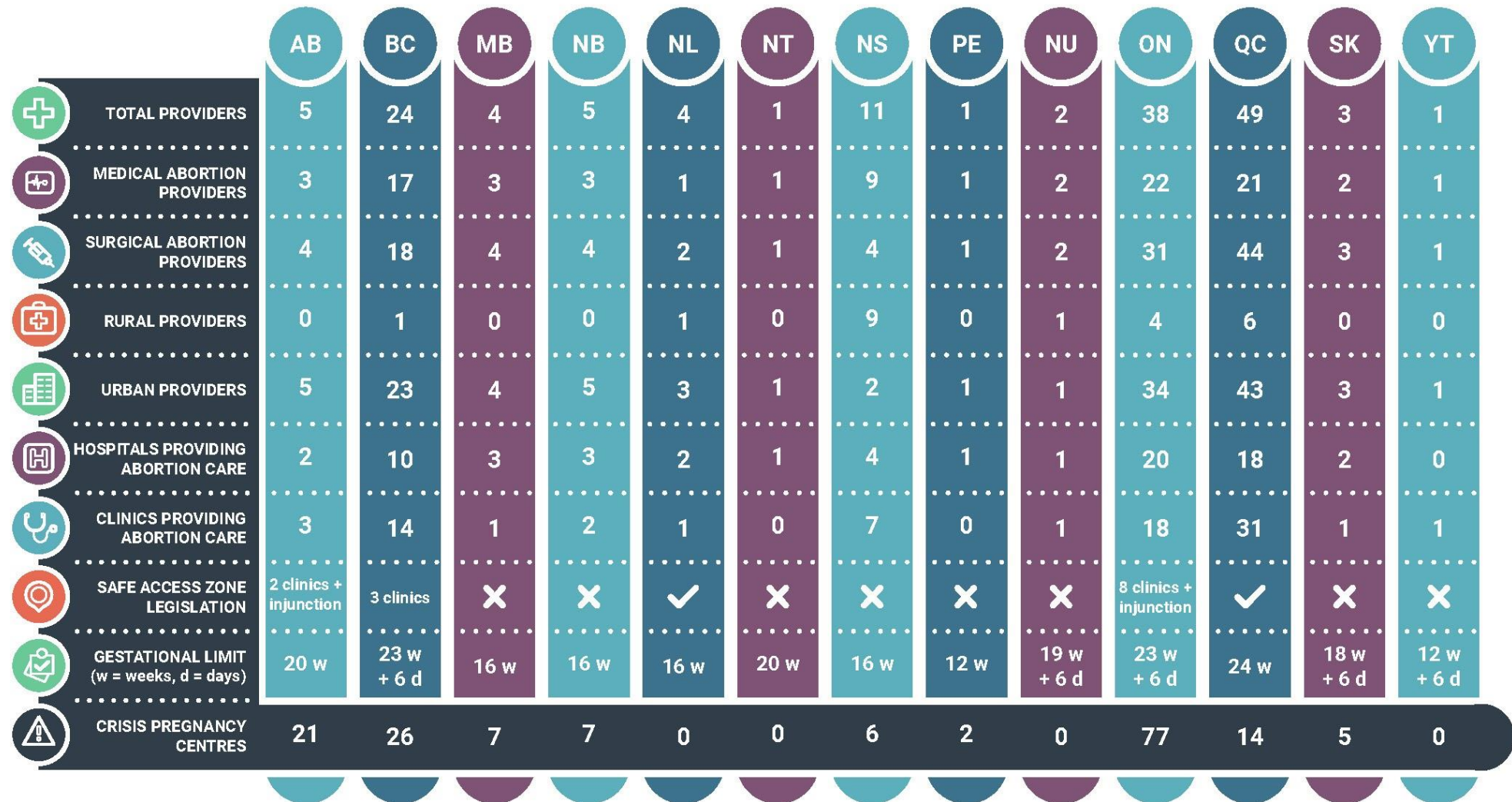
The state of abortion access in Canada

- Today: one in six hospitals offer abortion services in Canada, the majority of which are in major urban areas within 150 kilometres of the US border
- 7 out of 13 provinces/territories in Canada have fewer than three abortion providers

RATIO OF HOSPITALS/CLINICS PROVIDING ABORTIONS TO FEMALE POPULATION AGED 15–29



The barriers to accessing abortion



Where does responsibility lie?

- 1984: The *Canada Health Act* is passed, establishing criteria on what health care must look like in Canada.
- The criteria for the Canada Health Transfer:
 - Public administration
 - Accessibility (insured services without charge or user fees)
 - Comprehensiveness (includes all medically necessary services)
 - Universality
 - Portability
- International human rights obligations

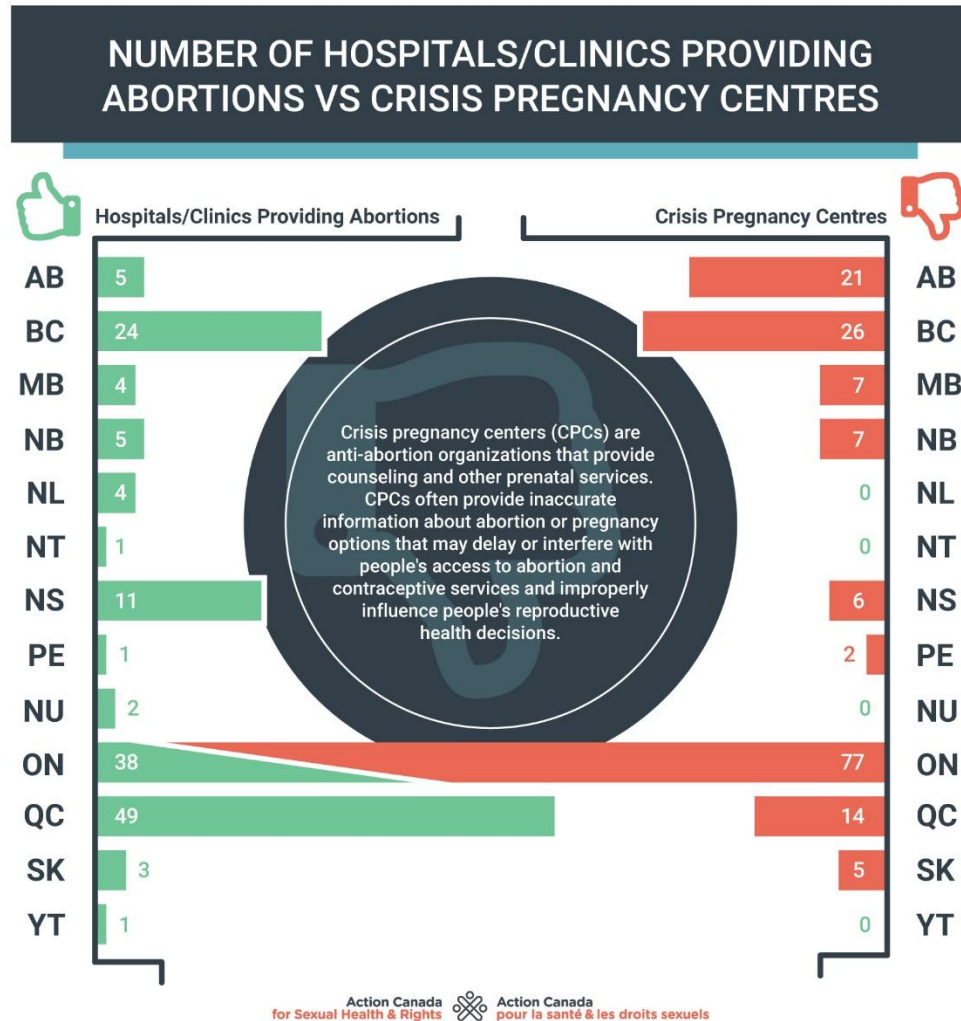


Canada's human rights obligations

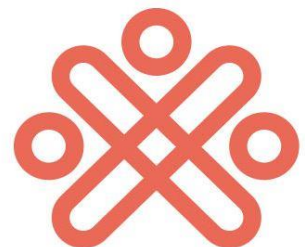
- *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)*
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
- *International Covenant of Civil and Political Rights (ICCPR)*



Anti-choice activity and the federal government



- Crisis pregnancy centres: approximately 180 exist in Canada, often in towns or cities that do not have abortion clinics or service providers
- The role of the federal government: ensure equal access, prevent undue interference by non-state actors, and uphold criteria of the *CHA*



The case of New Brunswick

- New Brunswick has three hospitals providing abortion services and one community-based clinic
- Two hospitals are located in Moncton, one in Bathurst; the clinic is located in Fredericton
- *Regulation 84-20*: a 30-year old regulation which limits funding of surgical abortion to hospitals



The push for a law and the stigmatization of abortion

- PMB C-233: the *Sex Selective Abortion Act*
- In almost every parliament since decriminalization, MPs have introduced legislation that could lead to re-criminalization

Abortion is healthcare



Up to one in three women of reproductive age will require an abortion in their lifetime



#Election2019

Gender equality and the future of abortion



MORE THAN **1** IN **3** MEN BELIEVE IT IS
IMPORTANT TO MAINTAIN **TRADITIONAL**
GENDER ROLES SO THAT
FAMILIES **FUNCTION WELL**
AND CHILDREN ARE
PROPERLY SUPPORTED



Federal action on abortion access

- Abortion access in a pandemic: [SRHR and COVID-19](#)
- What should the federal government do?
 - Address uneven access to abortion care across the country by enforcing the *Canada Health Act*
 - Create a Canadian Global Policy on sexual and reproductive rights to help fill gaps where sexual and reproductive health services have been affected, including by the U.S. Global Gag Rule
 - Task Health Canada with publishing accurate information regarding abortion care and how to access it across the country
 - Establish a fully-funded national protocol for people seeking abortion services post-23 weeks outside of Canada
 - Provide federal leadership on intersecting issues, including comprehensive sexuality education, cost coverage for contraceptive options at the provincial/territorial level



Questions & Wrap-up

- Thank you for joining us today! We will send a follow-up email later this week with a link to the recording
- Learn more about abortion access in Canada: [Access at a Glance](#)
- Have questions? Please get in touch at laura@actioncanadashr.org

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