

PRE-BORN CHILDREN



Canadian law provides no legal protection for pre-born children, and it is estimated that over 100,000 abortions take place in Canada per year. Most Canadians support legal protections for pre-born children at some point before birth. Canada's policy violates the right to life and is disconnected from scientific fact.

Human life begins at the time of conception, and through technology we can increasingly see the humanness of pre-born children at early stages of development.

From 1892 until 1969, all abortions were illegal in Canada. In 1969, Parliament permitted abortions for health reasons if a panel of three physicians agreed. However, since 1988, Canada has had no law protecting pre-born children at any stage. This is because the abortion provisions in the Criminal Code were struck down by the Supreme Court on technical grounds. The Court did not find that there was a Charter right to abortion; in fact, the seven judges of the Supreme Court all agreed that protecting the fetus is a valid governmental objective and expected Parliament to enact a new abortion law. But new abortion legislation failed to pass the Senate.

All human beings, including pre-born children, have the right to life. If the civil government does not protect human life before birth, the line defining when a life is worthy of being protected becomes vague. Many Canadians wrongly believe that there are already legal limits on abortion, but when made aware that this is not the case, the majority also think that there should be at least some restrictions. A minority of Canadians believe that Canada's existing law should remain as it is, with no legal limits in place.

Having no legal protections for pre-born children has multiple consequences. There is a strong correlation between abortion and increased mental and physical health consequences for women. Additionally, many girls in Canada are aborted solely because of their sex. Some abortions fail to terminate the life of the child, resulting in the child being born alive. In many cases, the child is then left to die or killed after birth. Currently, pre-born children do not have legal recognition even if their mother is attacked during pregnancy and the child is killed.

ARPA Canada's recommendations focus on how Canada could, at the very least, align its law with other nations. Specifically, Canada's law could align with European counterparts by providing protection for some pre-born children, providing stricter conditions for abortions beyond the first trimester, and penalizing practitioners who act recklessly or without consent.

For more information about this topic, please refer to our related policy report document. This report can be found on our website at [ARPACanada.ca/publication/pre-born-children](https://www.arpacanada.ca/publication/pre-born-children).