

Speaking notes for Committee on Bill 163: Safe Access Zones

ARPA Canada was a party to the case that took this government to court for denying the public access to abortion data earlier this year. The court found that this government's censoring of this data was an unconstitutional violation of free expression. In essence, the court recognized that there is an ongoing debate happening over abortion in Ontario and the government cannot interfere with that debate.

While we appreciate this bill's efforts to bring FIPPA in line with that ruling, the rest of this Bill brings up serious concerns. I want to make two points about this bill. First, it is unnecessary in that the more serious conduct is covered by Criminal Code provisions. Second, it infringes on free expression by targeting pro-life speech.

For the first point, this bill is unnecessary. There is no evidence that without this bill women or physicians are unsafe or without access to abortion. In Canada we have safe access to abortion. Part of the reason for this safe access is the fact that we have Criminal Code provisions that prohibit assault, harassment, intimidation, and threats. These provisions apply at abortion clinics just as they do everywhere else in Canada.

Indeed, the one incident that is referred to in order to support this bill – the alleged spitting in Ottawa – that conduct is assault. And it should be charged as a criminal offense. We don't need a provincial law to supplement what we already have. In fact, the overlap with criminal law, and the criminal purpose of this bill, makes it unconstitutional. Only the Federal government can pass criminal laws. Provincial governments are not free to supplement or fill in any perceived gaps.

The sponsor of this bill, the Attorney General, should be prosecuting these crimes rather than inventing new laws that restrict the constitutional rights of peaceful dissenters.

And with that, I move to my second point regarding free expression. Making it illegal to show disapproval of abortion is not about protecting patients or physicians from harm. It is about silencing dissent. It's about silencing pro-life speech. But there is no right to be free from dissent.

I want to be clear on this point as there is a lot of rhetoric around this issue. Protecting women's rights or making a step forward for women's rights cannot include fining and imprisoning women who disagree with you.

And yet that is what this bill does. It says because you express a specific opinion in a certain place, your speech is illegal. That is unconstitutional, and it does not aid the important ongoing public discussion about abortion.