

# PRE-BORN HUMANRIGHTS



The issue of abortion is far from settled in Canada. While there is little appetite in Canada for a full ban on abortion, political leaders can bring forward specific policies that put aside divisive abortion politics and focus on meaningful discussion and the promotion of legislation that will protect human life at the earliest stages.

## Background

From 1892-1969, all abortions were illegal in Canada. In 1969, Parliament amended the Criminal Code to permit abortions for health reasons if a panel of three physicians agreed it was justified. In 1988, the restrictions on abortion in the Criminal Code were struck down. It is important to note that neither the court nor the Charter precluded a different abortion law, and the Supreme Court did not find a constitutional right to abortion. Despite dissenting opinions and a split decision, the Supreme Court justices agreed that the government had a legitimate interest in protecting fetal rights at some stage of pregnancy. They rightly left the making of a new law up to Parliament.

In 1990, a bill which would have implemented a less restrictive abortion law was introduced into Parliament. That law, however, was defeated on a tied vote in the Senate, and the issue of abortion has never been meaningfully revisited by Parliament.

## We need a law

Recognizing that most Canadians are not currently receptive to a full ban on abortion, our recommendations focus on specific policies that most Canadians would support, including:

- A sex-selective abortion law, which would ban abortion for the reason of sex selection and so honour our commitment to equality of the sexes.
- A pre-born victims of crime law, which would allow our justice system to recognize pre-born children as victims when they are killed with their mothers as a result of violent crime.
- An international standards law, which would bring Canada in line with other democratic countries by banning abortion after the first trimester and introducing a waiting period and counseling requirement for women seeking an abortion.

Canada has gone without an abortion law for more than three decades, and abortion in some cases was legal two decades before that. Millions of Canadian babies have lost their lives to abortion, and Canadian society has accepted the killing of pre-born children as a necessity of equality. We need laws that celebrate diversity within equality, that value the unique gift of childbearing, and that honour and support motherhood. Both women and pre-born children will benefit.

*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-bornhumanrights-2](https://arpacanada.ca/publication/pre-bornhumanrights-2).*