



STAND UP for a woman's right to choose.
PROTECT women's equality rights.

BILL C-484: FACT SHEET

A Private Member's Bill sponsored by Conservative MP Ken Epp could chip away at women's constitutional rights and threaten their access to safe and legal abortion.

Bill C-484, the Unborn Victims of Crime Act, passed second reading in March 2008. The bill, widely supported by anti-choice groups, would make it a separate crime to kill or injure an "unborn child" – thus separating the rights of a fetus from the woman who carries it.

While some supporters of this bill are motivated by genuine grief and outrage over the murder of a pregnant woman, PSAC

maintains that this bill would endanger, rather than protect pregnant women. It could also put the equality rights of all women in danger, while failing to address the real problem: spousal violence.

The PSAC believes that women have the right to make decisions about their own bodies – whether that means terminating a pregnancy, or carrying it to term. PSAC also believes that to promote true freedom of choice, we must also support women's right to decent work, affordable and reliable child care, and to be free from physical, sexual or emotional violence.

Here are five reasons why PSAC opposes Bill C-484:

1. *It threatens women's human rights and equality.*

In Canadian law, only "human beings" have a right to life. Legally, a fetus becomes a human being once it is born and has completely proceeded, in a living state, from the body of its mother. In all the cases in which the Supreme Court of Canada was required to discuss the rights of the unborn, it ruled that the fetus is an integral part of the mother and has no independent legal personhood. The adoption of Bill C-484 would introduce a huge change in our law: it would in effect recognize that a fetus has a legal status and the "right to life."

This would set a dangerous constitutional precedent that could place a fetus' rights in competition with those of its mother, undermining

women's rights in the process. The right to choose to end an unwanted pregnancy, and to have access to quality public health care abortion services goes to the heart of women's equality, dignity and human rights.

2. *It could criminalize pregnant women.*

As the Abortion Rights Coalition of Canada has pointed out, under United States 'fetal homicide' laws, pregnant women are more likely to be punished for behaviours and conditions that are not criminalized for other people, such as drug or alcohol use. Women have been charged or jailed for murder for experiencing a stillbirth after refusing a Caesarean section. In South Carolina, dozens of women with drug addictions have been arrested for allegedly harming their fetuses – even though they had little or no access to drug treatment programs. These policies unfairly target the most disadvantaged women in society, who are often already victims of discrimination and prejudice.

Bill C-484 contains language that theoretically preserves a woman's right to choose to end an unwanted pregnancy. However, similar language has been disregarded by U.S. courts, which have used fetal rights laws as precedents to charge pregnant women with child abuse and murder. Many of these charges were later thrown out of court, but not before poor and drug-addicted women were forced to spend months and years in prison fighting unjust charges.

3. *It is part of a broader legislative strategy to undermine abortion rights.*

Just take a look at who supports Bill C-484: dozens of anti-choice organizations including Life Canada, REAL Women and the Canadian Family Action Coalition, who have been spending the last 20 years trying to undermine Canadian women's right to choose. In the U.S., the anti-choice lobby has used a similar strategy to enact a patchwork of laws that recognize fetal rights, building a series of precedents that could be used to challenge a woman's right to terminate an unwanted pregnancy.

4. *It will do nothing to address the real problem: spousal violence.*

Studies on violence against women indicate that it is often when women are pregnant that men start to abuse them. And most women who are killed in Canada, are murdered by their husband or common law partner. Violence against women is the real problem that needs to be addressed. The federal government should be examining how to effectively prevent spousal violence, and protect women who are in abusive situations. The current system is not working well, and the government should consult with women's rights advocates and anti-violence workers on how to improve the criminal law response. It should also provide increased funding for services, and ensure that a social safety net is in place so that women are not forced to choose between remaining in violent relationships and living in poverty. Promoting women's equality and human rights is the best way to protect pregnant women.

5. *We already have better ways to punish crimes against pregnant women – without putting their rights at stake.*

Bill C-484 is actually not useful, nor is it necessary because Canada's justice system already allows for harsher penalties for aggravated crimes. In particular, spousal violence is already considered an aggravating factor in the Criminal Code sentencing provisions. In addition, judges already recognize pregnancy as an aggravating factor in sentencing. Since murder sentences are generally served "concurrently," meaning that a person will serve all sentences at the same time and not one after the other, this bill would have little or no concrete impact on the amount of time that a perpetrator spends in jail. This bill does nothing more than promote a right wing "law and order" agenda, that is not in women's best interest.

Take action now to protect women's rights and equality. Send a letter to your MP, urging him or her to vote against Bill C-484, and instead work to combat violence against women – without putting the right to choose at stake.