



Abortion Rights
Coalition of Canada

Coalition pour le droit à
l'avortement au Canada

Your Voice for Choice

Canada's only national political pro-choice advocacy group

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May 15, 2016

Mayor Greg Dionne and City Council
1084 Central Avenue
Prince Albert, SK
S6V 7P3

Dear Mayor Dionne and City Council,

I'm writing to ask the City of Prince Albert to never again approve "Celebrate Life Week" or the flying of anti-abortion flags on the City's guest flagpole. I also request a public apology from the Mayor for the past approval of the proclamation and flag and for inappropriate and inaccurate comments he has made to the media in recent days.

I believe the City is mistaken in approving the proclamation and flag for several reasons, and that the City has strong grounds on which to refuse approval of future anti-abortion proclamations and flags. These reasons and grounds are described below.

Discrimination

Approval of the proclamation and flag is discriminatory on the basis of sex because the City is endorsing a cause that challenges women's equality and rights, and a view that flies in the face of Canadian and international law.

The right to access abortion is tied to women's Charter rights, including the right to bodily security, life, liberty, conscience, privacy, and equality. As a local government, the City is obligated to respect the Charter rights of its citizens, and cannot discriminate against groups who may be disadvantaged on the basis of sex. This includes women as well as transgender people who can become pregnant.

The city is also beholden to the Saskatchewan Human Rights Code, which lists as protected grounds: sex, sexual orientation, and gender identity. The Code notes that discrimination on the basis of pregnancy is considered discrimination on the basis of sex.

Further, the Canadian Human Rights Act includes "sex" and "sexual orientation" as protected grounds.

The Mayor told CBC Radio that "We're a civic government that believes in the constitution of Canada. We believe in human rights..." On these grounds, neither the proclamation nor the flag should be approved.

Bylaw and Policy Violations

Allowing the proclamation of “Celebrate Life Week” violates Section 20, Subsection 2, of Bylaw No. 26 of 2014 by infringing upon the *Saskatchewan Human Rights Code*. The proclamation also violates this bylaw by being “inflammatory.” Media reports, interviews, and online comments reveal that the City’s approval of both the proclamation and flag has angered and upset many citizens in Prince Albert.

Allowing the flag appears to violate several sections of Prince Albert’s “Flag Protocol Policy” as follows:

- 6.05(b) – Flags must not promote “hatred or support violence or discrimination for any person on the basis of ... sex, ... sexual orientation, gender identity...”
- 6.07(a)(iii) – The organization’s mandate and activities cannot discriminate against any individual or group as outlined in Section 6.05(b).
- 6.07(c)(iii) – Flags of organizations that may be considered “controversial, contentious or divisive with the community” will not be flown.
- 6.07(c)(v) – Flags that involve any “philosophy” that is “contrary to the City’s bylaws or policies” will not be flown.

While many women in Prince Albert have been angered and upset by the flag, true to form in these situations, other voices have rang out in support of the anti-abortion message. The flag is clearly controversial, contentious, and divisive – in direct violation of your policy.

The purpose of the flag policy is “to establish a respectful and consistent process for the raising” of flags, but in this instance, such a process was not observed. Councillor Lee Atkinson told PA Now that the anti-abortion flag did not go before City Council for approval before it was flown. He also stated the flag violates the City’s policy, calling it “divisive” and noting that it challenges the right of individuals to make their own reproductive decisions.

Moreover, the Prince Albert Right to Life Association is a political anti-abortion group with an explicitly religious mission according to the website of its parent organization, the Saskatchewan Pro-Life Association. Your *Flag Protocol Policy* states that requests from political and religious organizations require the approval of City Council and that such requests must be made annually.

It is disturbing that the City has ignored its own bylaw and policy, in effect giving special privileges to an anti-choice group to spread discriminatory messages.

Group Behind Proclamation/Flag Needs Scrutiny

The title “Celebrate Life Week” may appear quite benevolent, but evaluating the group behind a proclamation/flag request is as critical as vetting the message itself. That is, groups with an unpopular agenda will not always state their views upfront, instead cloaking their language to gain more public support. An example of this dynamic occurred in Regina in 2013, where the Mayor approved a proclamation for the benign-sounding “European Heritage Week.” He immediately rescinded the proclamation once he learned it was a white supremacist group that had made the request.

In the case of anti-abortion groups, the decision whether to approve a proclamation or guest flag must include an understanding of why an anti-abortion viewpoint rises to the level of discrimination when it is officially supported by a city. A primary goal of the anti-abortion movement – including the Saskatchewan Pro-Life Association – is to recriminalize abortion, which would impose forced

motherhood onto women, even at risk of their lives or health. But according to our courts, women cannot exercise full rights or achieve equality under our Charter without having control over their fertility, which must include access to safe and legal abortion. The 1988 Supreme Court Morgentaler decision affirmed a women's right to bodily security, as well as the right to liberty, privacy, and conscience.

You may be aware that for years running, the City of Kelowna approved a similar proclamation for "Protect Human Life Week" that had been requested by an anti-abortion group. After pressure from the public, local activists, our group, and the Westcoast Legal Education and Action Fund (LEAF), the City ended their approval by rewriting their Proclamation Policy to ensure that Charter values including women's equality would be honoured. [LEAF's 2012 letter](#) to the City of Kelowna provides legal reasoning for why cities should not approve these kinds of proclamations, and I invite you to read it.

Not a Free Speech Issue

Refusing to approve the "Celebrate Life Week" proclamation or flag in no way prevents the local anti-abortion group from celebrating their week, carrying out their planned events, or speaking out in any way they wish.

On the other hand, refusing to amplify their message by disallowing future proclamation and flag requests would be a narrow and justified speech restriction on the part of the City that rightly prioritizes the rights, health, and dignity of the women of Prince Albert.

No Charter right is held to be more important than other rights, and any right can be justifiably restricted under Section 1 in order to protect other rights in particular circumstances. There are many examples of courts balancing and limiting rights using Section 1, and even a precedent in the abortion issue. In 2008, the BC Court of Appeal upheld the *Access to Abortion Services Act* by ruling ([in R.v. Spratt](#)) that a woman's right to access abortion services in an atmosphere of privacy and dignity outweighed anti-abortion protesters' right to freedom of speech outside clinics.

A National Issue

A [petition against the flag](#) has 641 signatures as of this writing. I understand that Mayor Dionne has said only signatures from Prince Albert residents will be considered valid.

In my view this is improperly restrictive. Not only is a woman's right to choose of national importance, but so, too, is the municipal approval of flags and proclamations. All cities need to understand that the practice of giving official recognition and permits for anti-choice events, flags, banners, etc. must stop because it is discriminatory under Canadian laws.

Correcting Mayor Dionne's Public Statements

It's important to address some inaccurate and inappropriate comments that Mayor Greg Dionne made to the media (primarily through this [CBC Radio broadcast](#)). Some of the things he said were so troubling that I prepared a transcript of his comments (appended to this letter) for ease of reference.

Many of the Mayor's points around free speech, the right to be heard, personal opinion, picking sides, etc., indicate that he doesn't understand what discrimination means under the law. Discrimination is disallowed on certain protected grounds (e.g., sex, sexual orientation, gender identity), as articulated in the City's own flag policy and proclamation bylaw, the Charter, and human rights codes. The Mayor's problematic comments include:

- *“We fly other flags that we receive complaints about, which the pro-choice group supports! And we’ve flown those flags. And we get lots of complaints about them.”*
Pro-gay flags or pro-choice flags (for example) would not be discriminatory because they don’t malign any disadvantaged group. The complaints referred to by the Mayor are likely motivated by hatred or prejudice against a disadvantaged group – which is why women and gay people are specifically protected by law from those who are opposed to their rights. To avoid discrimination, therefore, the City would be wise to accept pro-choice or pro-gay flags, and reject anti-choice or anti-gay ones.
- *“We’re not picking sides here.”*
As a government representative, the Mayor must protect human rights and prevent discrimination against women. He needs to “pick the side” of human rights, not opposition to those rights.
- *“We live in a free society... everyone has the right to be heard.”*
This situation is more complicated than just a free speech issue. If a message is discriminatory or hateful against disadvantaged groups, the City must not spread that message.
- The Mayor said that if women who have had abortions or were contemplating abortions felt upset at the flag, that would be their *“personal opinion.”*
So would a black person’s angry reaction to a white supremacist flag likewise be dismissed as “personal opinion” by the Mayor? I certainly hope not. In either situation, calling legitimate complaints about discrimination “personal opinion” is ill-considered and offensive.
- The Mayor said that the PA local paper reported on the flag raising and ensuing protest in its coverage but that *“no-one’s picketing our local newspaper.”*
This reveals a lack of understanding about the role of the City versus a private entity. As a local government, the City is obligated to respect the Charter rights of disadvantaged groups. The newspaper is a private enterprise and can take any position it wants.
- *“And [Lana Wilson] saying that people have moved into our community after we’ve flown that flag for seven years, and they’re the ones that are gonna step forward now...”*
A seven-year history of approving the flag and proclamation does not justify that approval – it only means the City has been wrongly approving them for seven years. Many would think that public backlash was inevitable. The Mayor seems to have misinterpreted the comments made by activist Lana Wilson, but regardless of why people have now stepped forward to protest, it is unreasonable for the Mayor to discredit a protest on grounds that the participants might be new residents.
- *“They’re complaining that we’ve given the pro-life people a stand, a platform. No, WE haven’t. They have! You and me would not be talking today if they wouldn’ta [sic] caused a commotion.” ... “We’re sorry it has caused some debate, but unfortunately there’s nothing we can do about it, we didn’t cause it.”*
The City is wholly responsible for the disturbance, because it approved the discriminatory flag/proclamation when it should have refused it.
- The Mayor said that the protests against the flag implied that the City should not be flying any flags *“because anyone could phone up and say, well, that’s controversial and that’s divisive [sic], and offensive to me, take it down.”*
There is absolutely no reason to stop proclamations or guest flags. These are valuable community

services that citizens enjoy and depend on. The City simply needs to adhere to its own policy and bylaw and reject only those flags and proclamations that do not respect legal and human rights.

- *“And I would love them to take me to court! I’m quite sure the Supreme Court of Canada will side with us.”*
This is a rash statement, and I suspect no legal advice backs it up. An analysis based on human rights codes and the Charter would likely cast serious doubt on the Mayor’s assertion, not to mention that approval of the proclamation/flag violates the City’s own proclamation/bylaw and flag policy.

In conclusion, I would like to emphasize that this is primarily an issue of discrimination against women as a disadvantaged group under the Charter, human rights codes, and your own policy and bylaw. It’s not an issue of free speech or “picking sides.” I urge the City of Prince Albert to take the decision to never again approve an anti-abortion proclamation or guest flag, and I also ask the Mayor to please issue a public apology for his misinformed comments, and for the many years the flag was raised in contravention of City policy.

Thank you very much for your kind consideration.



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Attachment: Transcript of Mayor Greg Dionne’s comments to CBC Radio

Transcript of Mayor Greg Dionne's Comments to CBC Radio

From CBC Regina Radio podcast, Morning Edition with Sheila Coles, May 12:
<http://www.cbc.ca/player/play/2688550293>

Sheila: So what do you make of what you just heard from Lana?
[Lana Wilson, pro-choice organizer of the protest]

Well, they're an activist group, and they have the right to their opinion. And that's what we're telling them. Everyone... This is 2016. We live in a free society, and everyone has the right in Canada to be heard. And her saying that people have moved into our community after we've flown that flag for seven years, and they're the ones that are gonna step forward now...

Sheila: You're saying it's people who just recently moved into the community?

Well, that's what she said. If you heard her in her interview, she said... because we've flown it for seven years. And we don't think... we're not picking sides here. You know, they can fly their flag, but if they put their flag up and my neighbor phones in and says, well, I find that flag offensive, I find it controversial, I find it discriminatory, am I gonna take it down? No.

Sheila: Outline your policy for me when it comes to controversial flags. What is the policy?

Well, first of all we've never denied a flag. [Sheila: Never? You've never denied one?] Never. Strictly... the policy is there. We've denied groups using our Memorial Square for celebrations. We've never denied a flag. Strictly, because we believe we haven't had one to deny. And one that we would deny is like a hate flag, like if the Ku Klux Klan or the white supremacist [sic] or a bike gang that promotes hate wanted to fly their flag, that's what the policy is there for. The policy is not there for people to pick and choose who they can gag. And she says they also have 500 [complaints]. Well, she still won't be the worst complainant (?) that we've received. We fly other flags that we receive complaints about, which the pro-choice group supports! And we've flown those flags. And we get lots of complaints about them.

Sheila: Alright, let me ask you though, about this flag. You say you wouldn't fly it if it promoted hate. But it does promote shame and judgment when any woman who's ever had an abortion or is contemplating an abortion sees this flag, does it not promote shame and judgment on that individual?

Well, that's a personal opinion. What has surprised us, and I shared this with The Viewer(?) just earlier, yesterday. They're complaining that we've given the pro-life people a stand, a platform. No, WE haven't. They have! You and me would not be talking today if they wouldn'ta [sic] caused a commotion. And the other thing, you talk about peoples' rights, is, our local newspaper has promoted it! Ok? They've put editorials in it supporting it, and they have a big flag... promoting against it, sorry. Not... (?) the editorial. Yet they put in a picture in there, the flag raising, the flag up there, and no-one's picketing our local newspaper.

Sheila: But you're talking about city hall, and here's one comment from our Facebook page, from Caitlin Curran. She says "I feel like because it's a public building [so it's not a newspaper, it's city hall], which technically has to speak for all the citizens of that city, it's inappropriate for them to have anything like that displayed. They should not have any opinion-based propaganda from any issue."

But you just said it. We're flying that flag for all, because all citizens, we believe, have the right to be heard. All! We're Canadians. We should not be gagging anyone. People have the right to be heard. And we have not picked a side. [Their side says] (?) that we have picked sides. We would never do that, we have not picked sides. We have a community pole, that if people make application [sic] and no-one's booked on that time, they are more than welcome to fly their flag.

And on the other side, I'd like to share this, just on the other side. You should see the comments that we're getting that support our freedom of speech. I'm so proud of some of our citizens are standing up! And the other reason that I won't take down pro-choice [sic], you should see the bullying, which we have an anti-bullying rule, that my secretary has taken. She's almost been in tears with some of the phone calls she's taken. [Sheila: Like what, what's an example, what has she heard?]. Well, calling us blood murderers and killers, and you know. I'm just amazed, you know? This is a freedom of speech issue. I do not believe it's a freedom of choice. Pardon me using that word. *[a slip revealing his anti-choice beliefs]*

Sheila: But can I take you back to earlier, I asked you if it did not promote shame in any woman who's ever had an abortion when she would look at that flag, and you said that's a personal opinion. Tell me what you think: Any woman who's ever had an abortion or is contemplating an abortion, what message you think they take away from that flag?

Well, I've never thought of it, you know? [Sheila: Well, think about it now.] I don't think so, because that's somebody's personal opinion. It's no different than the calls that we take, where they're bullying us and saying shame on us, and calling us murderers. It's no issue. If you look at the list of other flags, if we were to do what they did, we would not be flying any flags in city hall, because anyone could phone up and say, well, that's controversial and that's diversive [sic], and offensive to me, take it down.

Sheila: So I take it you're not going to take this down, you're going to leave it up and you're not going to be responding by apologizing.

No, we're not taking it down, and we're not apol... we've done nothing wrong! We have not picked sides. We're a civic government that believes in the constitution of Canada. We believe in human rights, that every group has the right to say their opinion, whether you agree with it or not.

Sheila: Do women have a human right to abortion, to choose?

According to our law, absolutely they do. And I'm not gonna dispute that. We've changed governments over this debate. And that's when people have the right. It's not a choice of pro-choice or not, to us it's a freedom of expression, which we clearly allow in our city, and I hope other cities continue to do. Because that's one thing we have in our country is freedom of speech. And I would love them to take me to court! I'm quite sure the Supreme Court of Canada will side with us. People have the right to be heard in our country, and no-one has the right to gag them.

Sheila: We'll have to leave it at that for now, but we do thank you for your time this morning.

You're welcome, and we're sorry it has caused some debate, but unfortunately there's nothing we can do about it, we didn't cause it. It's flown there for seven years. And it'll be down at the end of the week.