



Abortion Rights
Coalition of Canada

*Your
Voice for Choice*

Coalition pour le droit à
l'avortement au Canada

Canada's only national political pro-choice advocacy group

POB 2663, Station Main, Vancouver, BC, V6B 3W3 • info@arcc-cdac.ca • www.arcc-cdac.ca

Position Paper #51

Free Votes, Private Members' Bills, and Abortion

In Canada, there are two ways to enact legislation. The majority of legislation originates in the Cabinet, a body of elected Members of Parliament chosen by the Prime Minister to lead specific ministries or departments. The proposed legislation is referred to as a “Government Bill”. Members of the governing party usually support bills enacted by their party. But on some issues, MPs are allowed to vote according to their conscience—these “free votes” often occur in relation to “moral” issues.

Another way to enact legislation is through the introduction of a “private member’s bill,” which is a bill introduced in the House of Commons by a MP who is not a Cabinet Minister. A private member’s bill follows the same legislative process as a government bill, and hundreds are introduced each year, but very few of them are enacted since they have been tabled without prior Cabinet support. However, in a recent Parliament (42nd, 1st Session), five private members' bills received royal assent. Historically, private member bills have always been free votes.

During Canada’s 2004 federal election campaign, Conservative Party leader Stephen Harper waded into a discussion of free votes on the abortion issue. He repeatedly stated that if elected, his government would not table abortion legislation and would not hold a referendum on abortion. Throughout his tenure as Prime Minister, he insisted that “as long as I am prime minister, we will not reopen the debate on abortion.”¹ However, he said he would allow free votes in Parliament on abortion-related private member bills. Several motions and bills came forward, but they were voted down.

Harper’s insistence on free votes was likely intended to pacify the anti-abortion movement, many of whom are supporters of the Conservative Party. After all, party leaders can require their MPs to vote along party lines, not according to their own conscience, even on moral issues. However, unobstructed access to abortion is a constitutional right for women, so allowing MPs a free vote according to their conscience really amounts to removing the “right to choose” from women and giving it to legislators instead.

Prime Minister Justin Trudeau promised during his 2015 election campaign that all Liberal MPs would be expected to vote pro-choice on any bills². They can still hold personal anti-choice views but must vote with the government (or abstain). Trudeau has kept his promise, whipping the vote against private member Bill C-225 in 2016, which would have given legal status to fetuses.

Attempts to Reopen the Abortion Debate 2007-2016³

The following table describes private member bills and motions introduced into Parliament by anti-choice MPs since 2007.

2007	C-484, Unborn Victims of Crime Act	A bill to make fetuses separate victims of crime when pregnant women are assaulted. The bill passed 2nd reading but died on the order paper in Sept 2008 when the election was called. (ARCC response)
2008	C-537, Protection of conscience rights in the health care profession	A bill to allow healthcare workers to refuse to provide care for personal moral reasons, with full impunity. It did not come to a vote. (ARCC response)
2010	C-510, An Act to Prevent Coercion of Pregnant Women to Abort (Roxanne's Law)	A bill to make it a criminal offence to coerce a woman into having an abortion. It was defeated on December 15, 2010. (ARCC response)
2012	M-312, To review Subsection 223(1) of the Criminal Code which states that a child becomes a human being only at the moment of complete birth	A motion to establish a committee to re-examine Canada's legal definition of when a fetus becomes a human being. It was defeated September 26, 2012. (ARCC response)
2012	M-408, To condemn discrimination against females occurring through sex-selective pregnancy termination	A symbolic motion that was declared non-votable by the Sub-Committee on Private Members' Business on March 21, 2013, because it was deemed unconstitutional. (ARCC response)
2016	C-225, Protection of Pregnant Women and Their Preborn Children Act (Cassie and Molly's Law)	A bill to make fetuses separate victims of crime when pregnant women are assaulted. It was defeated on October 19, 2016. (ARCC response)

¹ Wherry, Aaron. On abortion, what's the difference between Harper and Trudeau? Comparing the party leaders' positions. *MacLeans*. May 21, 2014. <http://www.macleans.ca/politics/on-abortion-is-there-any-difference-between-harper-and-trudeau/>

² Mas, Susana. Anti-abortion candidates need not apply in 2015, Justin Trudeau says. *CBC News*: May 7, 2014. <http://www.cbc.ca/news/politics/anti-abortion-candidates-need-not-apply-in-2015-justin-trudeau-says-1.2634877>

³ Abortion Rights Coalition of Canada. *Anti-Choice Private Member Bills and Motions Introduced in Canada Since 1987*. March 4, 2016. <http://www.arcc-cdac.ca/presentations/anti-bills.html>