



Abortion Rights
Coalition of Canada

Coalition pour le droit à
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Position Paper #80

Why Anti-Choice Groups Should Not Have Charitable Tax status

Currently, there are about 170 anti-abortion groups in Canada that have charitable tax status—about 70 groups that appear to be largely political in nature, and 100 anti-abortion "counselling" centres. This paper explains why we believe that anti-abortion groups inherently do not qualify for charitable tax status.

1. Anti-abortion groups espouse a specific cause and seek to sway the public to their point of view.

All anti-abortion groups are dedicated primarily to the cause of protesting abortion. They seek to persuade the public to the point of view that abortion is wrong and should be illegal. A Canada Revenue Agency (CRA) court decision said that "jurisprudence generally supports the proposition that activities primarily designed to sway public opinion on social issues are not charitable activities. ... An organization such as Human Life International Canada (HLIC), which espouses a specific cause and seeks to sway the public to its way of thinking, would not qualify as charitable under the category of advancing education."^[1]

Human Life International Canada (HLIC) is an anti-abortion group that had their tax status revoked in 1998. Their publications were found to be "strongly worded to promote HLIC's views on the abortion issue and other controversial social issues." The CRA decision also said, "There is no case law... that would support a finding that promoting an organization's position on such issues as abortion...is charitable. In fact, the courts have found that purposes that are related to promoting one side of a controversial issue or cause are not charitable at law." It was found that HLIC was "devoting substantial resources on political activities which are not incidental and ancillary to charitable objects." These political activities were deemed to include mailing "shock value" postcards to Members of Parliament in Ottawa, organizing a March for Life on Parliament Hill, and promoting its views through tendentious publications, brochures, and advertisements.

2. Promoting the "pro-life" view is political. In contrast, the pro-choice position is not political—it represents mainstream society and exemplifies professional health care standards.

Anti-abortion groups promote their "pro-life" view in a narrow, one-sided manner. They believe that childbirth is the only choice for pregnant women and that abortion is evil. They do not respect or trust women's own medical decisions about their bodies, and they promote sexist attitudes about

women, insisting that motherhood is the only proper role for women. They are almost exclusively preoccupied with demonizing abortion and abortion providers, working to remove the right to legal abortion, and persuading women not to have abortions by whatever means. Much of the information they present about abortion is false, inflammatory, scare-mongering, and/or biased.

The “pro-choice view” is not a one-sided political view, nor is it the opposite of the “anti-choice view.” The pro-choice position is the broad, middle-ground view shared by a large majority of Canadians, whether or not they personally agree with abortion. In contrast, anti-choice groups wish to use the law to force women to bring unwanted pregnancies to term. The pro-choice view opposes this extremist, discriminatory position, and says that women should have information on and equal access to all pregnancy options, in a safe, non-judgmental atmosphere. In fact, pro-choice health care is the professional standard in this country for all health care—patients must be respected as responsible decision-makers, be given unbiased and accurate information on all options, and not be morally judged for the choices they make. Anything less is unethical and unprofessional.

3. Anti-choice groups distort the issue of abortion when presenting "the other side."

Anti-choice groups, especially anti-abortion counselling agencies, engage in scare-mongering and guilt-inducing techniques to dissuade women seeking abortions. Their literature and brochures are uniformly anti-abortion, and information presented about abortion is usually false and/or distorted. They also promote abstinence as the only birth control option, with little or no information on other methods, except to say that condoms are unreliable. They scare-monger on sexually-transmitted diseases, exaggerating statistics and not putting risks into context.

4. Anti-abortion groups do not qualify as educational because their “educational” activities are mostly unstructured, and consist largely of tendentious propaganda, opinion, misinformation, and appeals to emotion.

Most anti-abortion groups claim education and/or research as their main charitable activities. But the "education" generally consists of distributed pamphlets and newsletters. Some groups also hold conferences, workshops, etc., but these are primarily aimed at their membership, not the general public. This is generally the extent of their "education." It is not structured education and it does not advance people's knowledge.

The CRA has said that for a group to be eligible for charitable tax status, the information it provides must be "presented in an unbiased manner so as to allow the reader to make up his/her own mind on the position being advocated."^[3] But the literature of all anti-abortion groups tends to be one-sided, emotional, and rife with unsubstantiated opinions and misinformation. In fact, much of their "education" is devoted to condemning abortion (or euthanasia).

Some anti-abortion propaganda is so extreme (e.g., calling doctors “baby butchers” and “killers”), that it serves to incite hatred and possibly violence against abortion providers. No anti-abortion group should have charitable tax status if they use inflammatory language that demonizes or incites hatred against providers (or that discriminates against women).

The ultimate, implicit goal of all anti-abortion groups is to restrict abortion by law, or at the very least, change current government policies to make abortion considerably less accessible. Campaign Life Coalition, which calls itself the “political arm” of Canada's anti-abortion movement, has made that aim very clear, as stated on their website: "We are working to restore the right to life, from

conception to natural death, at all levels of government - federal, provincial, and municipal. We support any legislative measure to end anti-life practices, either directly or indirectly...". All anti-abortion groups support and work towards this goal, even if they claim to be using "educational" means to achieve it.

Anti-abortion groups are entirely religiously-based and motivated, because the anti-choice viewpoint is fundamentally a religious doctrine.[5] Even though many groups proselytize openly (often to unsuspecting and vulnerable clients), they obtained their charitable status on claims of being "educational" or engaged in "research" or "family/crisis counselling." Canadian anti-abortion counselling centres are Christian ministries, as they themselves admit (Christian Info News, Feb 7, 1988).

5. The purpose of anti-choice groups has become largely detrimental to society since 1988, because access to legal abortion has been deemed by the courts to be a constitutional right guaranteeing women's equality and liberty.

In the 1988 Morgentaler decision that struck down Canada's abortion law, the Supreme Court justices ruled that access to abortion is guaranteed to women based on Section 7's guarantee of "security of the person" (Charter of Rights and Freedoms). Justices also cited other provisions of the Charter, including "freedom of conscience" (section 2a), "liberty" (section 7), and "equality" (section 15). One of the justices said in a concurring opinion: "The right to liberty...guarantees a degree of personal autonomy over important decisions intimately affecting his or her private life. ... The decision whether or not to terminate a pregnancy is essentially a moral decision and in a free and democratic society, the conscience of the individual must be paramount to that of the state." Access to legal abortion is therefore a constitutional right for women and must not be abridged.

Abortion is also a medically necessary service endorsed by the Canadian Medical Association and covered under the Canada Health Act. No law exists to prohibit a woman's access to this service. The maintenance of legal abortion services is supported by both federal and provincial governments, and every major political party, including the Conservative party.

However, anti-choice groups do not accept the legal right to abortion, or the right to non-judgmental information about abortion. They seek to remove or restrict these rights—and the only way to do this is to change laws or public policy—thereby discriminating against women and removing an important constitutional right. What harms women harms their families and all of society. The work of anti-abortion groups therefore has no public benefit and is detrimental to society.

6. International human rights documents recognize that women have a basic right to reproductive healthcare, and related information and education.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Canada in 1981, says that signatory states will take measures to eliminate discrimination by ensuring that women have the same rights as men to "decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights." The United Nations Beijing Declaration and Platform for Action (1995) states: "Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. ... In circumstances where abortion is not against the law, such abortion should be safe."

Women's basic human rights include the right to unbiased and accurate information about reproductive healthcare services, and the right to access such services, including contraception and abortion (where legal). Pro-choice groups provide such information and services, but anti-abortion organizations and counselling agencies do not. Therefore, the latter are in violation of international human rights codes.

7. Because of their charitable status, anti-abortion groups enjoy an unfair and unethical tax advantage and higher donation rates compared to pro-choice groups.

Research shows that people donate three times as much money when they can claim a charitable tax credit than when they can't (Ottawa Citizen, April 22, 1995).

Political pro-choice groups do not have charitable status because of their political work, even though they also carry out a large amount of educational work and provide services to women. 170 anti-choice groups in Canada are enjoying the fruits of this status even though they primarily just disseminate propaganda disguised as education, and often engage in too much political activity. Most of these 170 anti-abortion groups have never been audited. In contrast, anti-choice groups often target the very few charitable groups that provide unbiased information about abortion, by complaining to the CRA. For example, one of these groups was audited in the mid-1990's after a probable complaint by an anti-abortion group. It retained its status after being required to make its literature more "neutral."

Endnotes

- 1 Reasons for Judgment, A-288-94. March 18, 1998, Human Life International in Canada (HLIC) and Minister of National Revenue.
- 2 Reasons for Judgment, A-129-90. Oct 24, 1991. Federal Court of Appeal. Everywoman's Health Centre Society and Minister of National Revenue.
- 3 Federal Court of Appeal, A-94-96. Alliance for Life v. Minister of National Revenue, 1999, para. 11.
- 4 National Anti-Vivisection Society v. Inland Revenue Commissioners, 1948, as cited in Federal Court of Appeal. A-129-90. Reasons for Judgment. Oct 24, 1991. Between Everywoman's Health Centre Society and Minister of National Revenue.
- 5 Arthur, Joyce. Abortion and Religion, Pro-Choice Press, Autumn 2001, www.prochoiceactionnetwork-canada.org/prochoicepress/01autumn.html