



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

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

For immediate release

January 7, 2016

PEI's Restrictive Abortion Access Is Blatantly Unconstitutional

NATIONAL — The Abortion Rights Coalition of Canada (ARCC) strongly supports the constitutional legal challenge that will be launched in 90 days against the PEI provincial government by a local pro-choice group, Abortion Access Now PEI. The government has been unlawfully restricting access to abortion for decades. It also refuses to provide services on the Island, forcing women to travel. There's been no abortion services on the Island since 1982.

"PEI has been openly hostile to women's right to accessible abortion for far too long," said Joyce Arthur, Executive Director of the Abortion Rights Coalition of Canada. "The province's abortion restrictions were enacted in open defiance of the Supreme Court of Canada's decision in January 1988." The court threw out almost the exact same type of restriction that PEI then passed – a requirement to get pre-approval from at least one doctor before getting an abortion. Arthur said that another provincial regulation was enacted at the time to limit funded abortions to hospitals, "with no objective other than to stop Dr. Morgentaler from opening a clinic in PEI."

"The extent to which the province has been blatantly violating women's Charter rights for 30 years is shocking," said Josie Baker, who is a spokesperson and Board member for ARCC, as well as a founding member of Abortion Access Now PEI. The lawsuit's draft Notice of Application explains the two restrictions (noted above) in the province's *Health Services Payment Regulation*, but Baker said: "There's also a 'Resolution 17' passed in 1988 that opposes the performing of abortions, and an unwritten 'Abortion Policy' that says abortions will not be performed in PEI. Further, PEI Health Ministers have used their discretion and position over the years to obstruct the provision of abortions, even though that's outside the scope of their authority and violates PEI's *Health Services Act*."

Taken together, the legal restrictions, Resolution 17 and the Abortion Policy, and the overreach by Health Ministers, contribute to multiple violations of women's Charter rights, primarily under Section 15 (gender equality), but also under Section 7 (life, liberty, security of the person) and Section 12 (the right not to be subject to cruel and unusual treatment or punishment.) According to the Notice of Application, the restrictions have caused PEI women "grossly disproportionate physical and psychological harm," citing research on the health harms and injuries that many women have suffered. The Notice further states that the province's abortion regime is "arbitrary, has no value or social purpose, shocks the general conscience, [and] is unusually severe and degrading to human dignity and worth..."

The restrictions are also discriminatory, because they target a health service that only women need, as well as some transgender people. Further, they target the most vulnerable, including younger women, Aboriginal women, disabled women, single mothers, victims of domestic violence, and the LGBTQ community. These are all groups that have historically been disadvantaged and continue to face prejudice.

“We’re excited about this lawsuit and glad that the PEI government will finally be held to account for its deliberate infliction of harm and stigma onto women over decades,” said Arthur. “We’re very confident that women will win and the PEI government will lose. No provincial government has any legal authority to discriminate on the basis of gender, or deny constitutional rights to women and other historically marginalized populations.”

END

Media Contacts:

Joyce Arthur	Executive Director / Directrice générale, ARCC-CDAC, Vancouver	joyce@arcc-cdac.ca	604-351-0867
Dr./D^{re} Suzanne Newman	Abortion provider / Intervenante en avortement, Women's Hospital, Health Sciences Centre, Winnipeg	snewman@cc.umanitoba.ca	204-477-1887
Carolyn Egan	Ontario Coalition for Abortion Clinics, Toronto	c.egan@sympatico.ca	416-806-7985
Peggy Cooke	ARCC-CDAC, Toronto	pedgehog@gmail.com	416-709-1457
Julie Lalonde (parle français)	ARCC-CDAC, Ottawa	julie.s.lalonde@gmail.com	613-301-2697
Patrice Powers (parle français)	ARCC-CDAC, Montréal	powerspat99@videotron.ca	514-486-6376
Josie Baker	PEI Abortion Rights Network, Charlottetown	peiabortionrights@gmail.com	902-368-7337
Christopher Kaposy, PhD	Ethicist, Memorial University / Éthicien, Université Memorial, St. Johns NL / T.-N.	christopher.kaposy@med.mun.ca	709-864-3375 (w / bur.)