



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

Motion 408: *The Pretender*

By Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada

Motion 408 was introduced by Conservative MP Mark Warawa (Langley) in late September 2012. His motion would “condemn discrimination against females occurring through sex-selective pregnancy termination.” It is projected to be debated in Parliament on April 15, 2013.

The following points explain why Motion 408 is actually a tool designed to re-open the abortion debate in Canada, and **not** to condemn discrimination against females.

1. History of cloaked anti-choice motions and bills:

Canada has reached the point where direct attacks on abortion rights are no longer tolerated in Parliament. To get around this, anti-choice MPs have taken to cloaking their motions and bills so that they do not appear to be about abortion. Instead, they may claim to protect human rights or women's rights. Motion 408 is no exception. Other recent examples of such cloaked bills and motions include:

- **Motion 312** (Stephen Woodworth, 2012) – Although supposedly about human rights, this motion focused on protecting the “unborn” with no consideration for how this would impact women's rights. Mr. Woodworth initially claimed the bill was not about abortion, but later admitted that abortion rights might be impacted. By changing the definition of “human being” in the *Criminal Code* to include fetuses, his motion would have made abortion a homicide. (ARCC's rebuttal: <http://xrl.us/bn8sny>)
- **Bill C-510** (Rod Bruinooge, 2010) – This bill to ban “coerced abortion” was supposedly about protecting women, but overlooked that women may also be coerced into childbirth. That glaring omission revealed the intent of the bill – to demonize abortion and present women as victims who need to be “protected” from abortion, in order to facilitate future restrictions on abortion. The bill also used language that would have opened the door to giving legal status to fetuses. (ARCC's rebuttal: <http://xrl.us/bn8snx>)
- **Bill C-484** (Ken Epp, 2007) – The “Unborn Victims of Crime Act” purported to protect pregnant women who are victims of assault or murder. However, the bill would have made a fetus a separate victim of crime, opening the door to legal personhood for fetuses and restrictions on abortion and women's rights – despite the bill's exemption for abortion. (ARCC's rebuttal: <http://xrl.us/bn8snz>)

When a motion is worded innocuously or a bill pretends to protect women, Parliamentarians may be fooled into taking it at face value. But the real goal of initiatives like M-408 is to establish a foothold from which to restrict abortion as far as possible – ideally to ban it completely without any exceptions (as per Campaign Life Coalition: <http://xrl.us/bomq65>).

March 2013

This means the government has no obligation to waste its time on bills and motions like M-408. The abortion issue was settled by the Supreme Court of Canada in 1988 when the Morgentaler decision struck down the abortion law, and by Parliament in 1991 when it defeated Bill C-43 to recriminalize abortion. Further, the motion's cloaked goal means that it collides directly with women's constitutional rights to bodily security, life, liberty, autonomy, and conscience, as determined by the Morgentaler ruling, as well as subsequent court decisions that declined to give rights to fetuses because that would restrict the constitutional rights of pregnant women. Our Charter also extends equality rights to women, another essential protection against discriminatory anti-abortion laws – because only women get pregnant, not men.

It's important to connect the dots between abortion rights and women's equality: Fertility control is the foundation of women's rights. Women cannot achieve equality without reproductive rights – including access to contraception and legal abortion. And women's rights are human rights.

Parliament should never be given license to debate or vote on whether women deserve full human rights. But this is essentially what motions like M-408 allow.

2. Anti-choice and religious motivations behind M-408

Whenever a cloaked anti-choice bill is introduced, virtually the only groups who support them are religious organizations and anti-choice groups. For example, in 2008, ARCC collected a comprehensive list of names of groups who either opposed or supported Bill C-484.

Over 130 organizations encompassing a diverse range of civil society opposed the bill, while only 20 groups supported the bill, 17 of which were explicitly religious or anti-choice. This indicates the true motive behind these bills and motions – to use them as a stepping stone to banning abortion.

Indeed, the anti-choice movement and individual activists have often been quite direct about this intent, even while the sponsoring MP dissembles and denies. Here is a good example in relation to Motion 408, from the BC Catholic newspaper: “Pro-life forces rally around Motion 408 condemning sex selection abortions” (<http://xrl.us/bn8sne>). This article states that Warawa's motion “continues the building momentum in the pro-life movement” after the defeat of Motion 312, that “it already has the support of several pro-life groups,” and that a poll showed “92 per cent of Canadians thought [sex selection abortion] should be illegal.”

Warawa introduced his motion only hours after the defeat of Motion 312 on Sept 26, 2012, confirming that a primary intention of the motion is to feed this “pro-life momentum” and keep the abortion debate going in Parliament.

3. Warawa is devoutly anti-choice:

Mark Warawa is one of the most zealous anti-choice MPs in the Conservative caucus. He has a 100% anti-choice voting record since his election to the House in 2004, as noted in ARCC's list of anti-choice MPs: <http://xrl.us/bn8sn5>, and on the site of Campaign Life Coalition: <http://xrl.us/bn8snk>.

Warawa started his political career as a councillor for the City of Abbotsford, BC. In 1999 and 2000, he sponsored motions that granted permission to the Abbotsford Right-to-Life Society to erect an anti-choice display of thousands of crosses in a private field next to the freeway, each cross representing an abortion. (<http://xrl.us/bn8snn>) The display has been up every year since then, despite complaints from female passersby who feel outraged and traumatized at this public co-opting of their personal abortion experience.

Further, Warawa has no record at all on protecting or advancing women's rights. Since his election to Parliament in 2004, he has rarely even mentioned women – in 2006, he once defended “REAL Women,” a right-wing homophobic, anti-choice group, and in 2010 he said: “We need to protect

women's rights but we also must protect everyone's rights, the rights of women, children, adults and all human rights." In Warawa's mind, women are apparently in a different category than adults, but more importantly, his statement was in support of Stephen Woodworth's Motion 312 and the word "but" reveals that his true concern is for fetuses, not women.

It seems clear that one of Warawa's highest priorities is opposing abortion.

4. Conservative government has facilitated discrimination against women:

Warawa is a Conservative MP, and the Conservative government has unfortunately taken many backwards steps on women's equality. We have reason to be suspicious when one of the government's most socially conservative MPs pretends to care about women. Warawa's focus on sex-selection abortion to the exclusion of other problems affecting women exposes his hypocrisy.

Under Stephen Harper's reign, the Conservatives cancelled the universal childcare program, abandoned pay equity legislation, closed down most of the regional Status of Women offices, changed Status of Women funding criteria to end support for advocacy or lobbying for law reform, cut the Court Challenges Program, barred public sector workers from making pay equity complaints, refused to fund safe abortion for women in developing countries, slashed funding from dozens of women's advocacy groups, eliminated the mandatory long-form census, increased the age of eligibility for Old Age Security, destroyed the gun registry, failed to hold a public inquiry into missing Aboriginal women, and cut Aboriginal health services.

If Mark Warawa is truly concerned about discrimination against females, why isn't he working to restore some of these other programs and services instead?

5. Exploitation of sex selection issue, with racist overtones:

Motion 408 is a strategy to capitalize on public discomfort with the idea of sex selection. Warawa and the anti-choice movement are exploiting this issue as a wedge by which to reduce support for abortion rights and pave the way for restrictions.

However, Warawa's motion is a solution looking for a problem, since sex selection against female fetuses appears to be a minor phenomenon in Canada, with little or no effect on our overall gender ratios. Current evidence is scant and problematic. The most frequently-cited study suffered from small samples, minimal overall effect, and methodological flaws. (<http://xrl.us.bn8snr>). The findings so far make clear that the vast majority of people in certain ethnic communities do not practice sex selection. If they do, the effect is seen only in the second or third child, and only amongst new immigrants, implying that the practice would peter out naturally in one or two generations.

In the U.S., sex-selection abortions of male fetuses appear to outnumber those of females (<http://xrl.us.bn8sn7>), and it's not likely much different in Canada. Warawa has revealed his anti-choice agenda by trying too hard to appear sympathetic to women and thereby falling into the trap of seeming to condone abortions of male fetuses (when we know he hates all abortions). In addition, he has managed to give his motion an unsavoury racist taint by focusing attention on ethnic communities in Canada that allegedly abort females for cultural reasons.

In reality, the best response to the possible sex selection abortion of female fetuses is to raise the status of women and girls in Canada by actively preventing discrimination and furthering equality. Families will not resort to such abortions if they are confident that daughters will have equal opportunities in life compared to sons.

A motion that unfairly and inappropriately targets ethnic communities in Canada serves only to foster discrimination against them, as well as encourage laws that would invite racial profiling in the doctor's office.