



Abortion Rights  
Coalition of Canada

Coalition pour le Droit à  
l'Avortement au Canada

*the voice of abortion rights in Canada*

# THE ACTIVIST

## L'ACTIVISTE

*la voix des droits à l'avortement au Canada*

## THE TIME HAS COME – AGAIN. SECURING EQUAL ACCESS TO ABORTION IN NEW BRUNSWICK

By: Judy Burwell

It's been nineteen years since the Supreme Court of Canada told women that access to a safe and timely abortion was their right. Yet, the government of New Brunswick continues to impose arbitrary, unnecessary obstacles to obtaining an abortion. With the exception of PEI, where there are no abortion services at all, NB has the most restrictive abortion policy in the country.

In January, representatives from the NB Advisory Council on the Status of Women, ARCC, the National Abortion Federation, the two doctors performing hospital abortions, the Manager of the Morgentaler Clinic and the Director of the University of New Brunswick Health Clinic met with the New Brunswick Minister of Health, Michael Murphy. All spoke passionately of the need to drop the discriminatory Regulation in the Medical Services Payment Act (MSPA) that severely limits access and puts women's health at risk. The Minister did not express any concern or interest in discussing the problems imposed by the MSPA. There was every indication from the Minister that this would not be a priority for him or his government.

Here's how the system works in N.B. To be covered by Medicare, an abortion must be performed in a



It's minus twenty and windy, but cold weather won't keep this dedicated group of volunteers from making sure women coming to the Morgentaler Clinic in Fredericton are escorted safely through anti-choice protestors.

hospital by a gynecologist. In addition, two physicians, generally your family doctor and the gynecologist performing the abortion, must certify in writing that the abortion is 'medically necessary'.

There are currently only two gynecologists providing hospital abortions and they cannot meet the need. There is no back-up when these physicians are ill or on leave. Women are not being referred to hospitals

outside the province as there is no reciprocal billing arrangement.

The majority of abortions in NB are now performed at the private Morgentaler clinic in Fredericton. There, women will pay \$500 to \$750 because the province has steadfastly refused to fund the clinic. The past year has seen a 25% increase in the number of patients either choosing or forced into this option.

Accessing a funded hospital abortion is next to impossible for those women with no doctor, or an anti-choice doctor. Indeed, a survey done a few years ago indicated that 27% of patients at the Morgentaler Clinic went there because they could not obtain the written consent of two doctors.

Forcing the two doctors to certify in writing that the abortion is 'medically required' is redundant and insulting to women. Doctors should not have to invent additional medical reasons such as "pregnancy induced depression" so that their patients are eligible for a hospital abortion and payment by Medicare. It's demeaning to everyone involved. The Canada Health Act says that medically required treatments must be fully funded regardless of where they are performed, hospitals or clinics.

Because abortion is legal and available, it's been difficult to rouse the public to action. Just how bad things are doesn't become a reality until you or someone you know is facing an unplanned pregnancy. The climate of fear and shame that continues to surround abortion here makes it difficult for people to speak up and demand change.

But things are beginning to move forward. In the past year there has been a public rally to support choice and two well attended pro-choice panel discussions. There has also been a marked increase of letters to the editor supporting choice.

The Society of Obstetricians and Gynecologists of Canada wrote to the Minister of Health to express concern over the lack of access and to point out the value of using trained family physicians to perform abortions in a clinic setting, as they do throughout Canada.

Clearly, the government of New Brunswick is discriminating against women, especially those who are most vulnerable: poor women, young women, rural women. This is a health issue, not a moral, religious or political one.

The time has come – again. The right to a legal, safe abortion has been secured. We must now ensure that there is equal access to that right.

You can help by writing to the key players and demanding that Section 84-20 of the Medical Services Payment Act be immediately repealed to give N.B. women the same rights as women in other parts of Canada...a publicly funded abortion whether performed in a hospital or a clinic. Sample letters are available on our website at [www.arcc-cdac.ca/action/new-brunswick.html](http://www.arcc-cdac.ca/action/new-brunswick.html).

*The Activist is a publication of The Abortion Rights Coalition of Canada. ARCC is the only nation-wide political pro-choice group. Our mission is to ensure women's reproductive freedom by protecting and advancing access to quality reproductive health care.*

*ARCC undertakes political and educational work on reproductive rights and health issues and works against any reduction of reproductive health services, especially abortion. We network and collaborate with other organizations to further ARCC's mission.*

*For more information on our work and activities, visit our website at [www.arcc-cdac.ca](http://www.arcc-cdac.ca)*

*We welcome your comments and story suggestions. E-mail us at [info@arcc-cdac.ca](mailto:info@arcc-cdac.ca).*

*"L'activiste" est une publication de la Coalition pour les droits d'avortement au Canada. Le CDAC est le seul groupe politique pro-choix à travers le Canada. Notre mission c'est d'assurer la liberté reproductive en protégeant et en promouvant l'accès aux soins de santé reproductive.*

*La CDAC s'engage à un travail public qui est à la fois politique et pédagogique, et nous travaillerons contre n'importe quelle compression de services dans le domaine de la santé reproductive, surtout quant à l'avortement. Nous collaborons avec d'autres organisations dans ce domaine pour avancer notre mission.*

*Pour plus d'informations sur notre travail, nos activités, et nos publications, visitez notre site web à: [www.arcc-cdac.ca](http://www.arcc-cdac.ca).*

*Vos commentaires, vos suggestions, et vos histoires sont aussi bienvenus à [info@arcc-cdac.ca](mailto:info@arcc-cdac.ca).*

**THE ACTIVIST/L'ACTIVISTE WAS DESIGNED BY  
MATTHEW AND PETRA McDOWELL.**

## CONSERVATIVE GOVERNMENT DISMANTLES WOMEN'S EQUALITY AND ABORTION RIGHTS ARE NOT SAFE

By JOYCE ARTHUR

Stephen Harper and his Conservative government are dismantling women's equality in Canada. Their recent actions reveal an anti-feminist agenda that could eliminate abortion rights.

Several drastic changes to the Status of Women Canada (SWC) were announced this past fall. Most crippling, Harper struck the word equality from the mandate of SWC. Canadian women have a Charter right to equality, but now have no mechanism for achieving it. This was largely overshadowed by the earlier announcement of the \$5 million cut to SWC's operating budget. SWC was also forced to eliminate funding for groups that do research, advocacy or lobbying for women's rights. Funding applicants must be incorporated and corporations are eligible.

Women's groups across the country reacted in outrage and mobilized aggressively and quickly. However, it's been mostly alternative and women's media that covered the protests.

Knowing that stirring up the abortion issue would be a death-knell for his re-election chances, Harper keeps a tight rein on his MPs – for now. In November, the anti-choice LifeSiteNews.com reported that the Conservative Party was barring its candidates from responding to questionnaires on moral issues, especially abortion. Dianne Haskett, the Conservative candidate in the London Ontario riding where a federal by-election

was recently held, “unexpectedly refused” to answer a questionnaire from Campaign Life Coalition. During last year's election campaign, a memo from Conservative Party headquarters surfaced that forbade candidates to answer an anti-abortion questionnaire.

Harper has kept his promise not to legislate on abortion, but there have been two private member's bills introduced. Conservative MP Leon Benoit's Bill C-291, introduced in May, would have made it a separate criminal offence to kill or injure a fetus while committing a violent crime against a pregnant woman. A parliamentary subcommittee deemed the bill “unconstitutional”. It's been speculated that the order to kill the bill may have come from Harper himself.

In June, an anti-choice Liberal MP, Paul Steckle, introduced Bill C-338 to re-criminalize abortions performed after 20 weeks of gestation. The bill, which passed first reading in Parliament, would allow exceptions to save the woman's life and “to prevent severe pathological physical morbidity of the woman.” It would impose a prison term of up to five years, and/or a fine of up to \$100,000 on anyone who “uses any means or permits any means to be used” to perform an abortion past 20 weeks.

Steckle is a leading member of the “Parliamentary Pro-life Caucus,” a group of anti-choice MP's. During the annual March for Life

events held in Ottawa last May, Steckle and Conservative MP Maurice Vellacott hosted a news conference at Parliament to promote the false link between abortion and breast cancer. They refused to indicate how many others belong to the Pro-Life Caucus, or provide their names. On the same day as the press conference, Steckle and Vellacott appeared live on a CTV panel. No pro-choice people were on the panel to respond to Steckle's and Vellacott's contention that the abortion issue should be reopened and laws rewritten. At least 26 MPs and two senators actively participated in the March for Life events. At a rally on Parliament Hill, anti-choice MPs were centre stage, forming an impressive, unbroken line of men in dark suits.

There are about 100 MPs in Parliament who have a public anti-choice stance – 78 Conservatives and 22 Liberals. Of the remaining MPs, about 140 are pro-choice, while 68 have an unknown stance.

Although abortion rights appear to be safe for now, the danger lies in the possibility of a Conservative majority government after the next election. Even another Conservative minority may embolden Harper and his MPs to broaden their attack against women's equality to include abortion rights.

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## QUÉBEC:

### WOMEN WIN THEIR CLASS ACTION LAWSUIT!

By CATHERINE MCGILL

The Association for Access to Abortion brought a lawsuit in the name of the women who have paid for abortions in private clinics since 1999. The Québec Superior Court ordered the provincial government to reimburse \$13 million dollars, which comes to about \$300 per woman.

Judge Nicole Bénard ruled that the province tolerated an illegal practice by allowing private clinics to impose fees, ranging from \$200 to \$300, for abortion services covered by the Régie de l'assurance maladie du Québec (RAMQ). The \$28 allocated by the RAMQ for clinic fees (on top of doctors' fees) is not enough to ensure their functioning. "Allowing private clinics to charge extra fees for covered services, knowing that their survival depends on these fees, creates in practice that which is forbidden by law", said the judge.

The province claimed that the extra fees were for services that are not covered, such as counseling, ultrasounds, or medications. Judge Bénard rejected this argument, noting, for example, that an ultrasound is medically required before an abortion. "The State knows full well that women are paying extra fees for insured services, but it closes its eyes and tolerates this," she concluded.

The government will have to reimburse the additional fees (plus interest) paid by the 45,000 women who had an abortion in five private clinics and two women's health centres within the province. It remains unclear how this can be done while respecting their privacy. It is likely that the women in question will have to make the request themselves, following the release of a public notice in the media.

The government has decided not to contest the decision, but it remains to be seen how they plan to remedy the situation. The regional authorities could

subsidize clinics to provide the service, as is already the case in a few regions in Québec. The province could raise the clinic fees (currently \$28) paid by the RAMQ; for example, these fees are \$400 in Ontario. Lastly, though this would be highly undesirable, the government could decide to cover abortion services only in hospitals or CLSCs. However, abortion services are less costly in specialized clinics than in hospitals.

At this time, since the government's reimbursement policy remains unchanged, private clinics continue to charge extra fees for abortion services. ARCC hopes that an agreement can be reached soon, because we deem it unacceptable that women should have to pay for this medically necessary service.

*As we go to press, the Quebec Government has announced it will start paying women for abortions performed from 1999 to 2006. For more information, call toll-free, 1-866-504-9993.*



### LES FEMMES GAGNENT LEUR RECOURS COLLECTIF!

PAR CATHERINE MCGILL



L'Association pour l'accès à l'avortement avait intenté un recours collectif au nom des femmes qui se sont fait avorter depuis 1999 en clinique privée. La Cour supérieure a condamné le gouvernement du Québec à leur verser 13 millions, ce qui représente environ 300\$ chacune.

La juge Nicole Bénard a décidé que la province a toléré une pratique illégale en permettant que les cliniques privées imposent des frais allant de 200 à 300\$ pour des avortements couverts par la Régie de l'assurance maladie du Québec

(RAMQ). Les 28\$ alloués par la RAMQ pour les frais de fonctionnement des cliniques privées (outre les honoraires des médecins) ne sont pas suffisant pour leur assurer un fonctionnement adéquat. «Permettre aux cliniques privées d'exiger des frais supplémentaires pour des services assurés, et ce, en sachant qu'il en va de leur survie, érige en système ce que la loi interdit», a dit la juge.

La province plaidait que les frais supplémentaires portaient sur des services qui ne sont pas déjà assurés, tels le counselling, l'échographie ou les médicaments. La juge Bénard a refusé cet argument, soulignant par exemple qu'une échographie est médicalement requise avant de pratiquer un avortement. «L'État sait très bien que des femmes paient un supplément pour des services assurés mais ferme les yeux et le tolère», conclut-elle.

Le gouvernement devra rembourser les frais payés (avec intérêts) par les 45,000 femmes qui ont subi un avortement dans cinq cliniques privées de la province et deux centres de santé des femmes. Il restera à déterminer comment ceci pourrait se faire dans le respect de l'anonymat. Il est probable que les femmes concernées devront elles-mêmes en faire la demande, à la suite d'un avis public dans les médias.

Le gouvernement a décidé de ne pas contester le jugement, mais reste à voir comment il remédiera cette situation. Les régies régionales pourraient accorder des subventions aux cliniques pour fournir les services, comme cela se fait déjà en quelques régions du Québec. La province pourrait hausser les frais de clinique (actuellement 28\$) versés par la RAMQ; par exemple, ces frais sont de 400\$ en Ontario. Enfin, peu souhaitable, le gouvernement pourrait aussi décider d'assurer seulement les services d'avortement dans les hôpitaux et les CLSC. Pourtant, les avortements sont moins coûteux quand ils sont pratiqués dans les cliniques spécialisées, comparativement aux hôpitaux.

Pour l'instant, vu que le gouvernement n'a pas encore changé sa politique de remboursement, on continue d'exiger des frais supplémentaires dans les cliniques privées. La CDAC souhaite qu'une entente se fasse bientôt, car nous reconnaissons qu'il est inacceptable que les femmes soient obligées de payer pour ce service médicalement requis.

*Juste avant de faire imprimer notre premier bulletin, nous apprenons que le gouvernement du Québec a annoncé qu'il commencera prochainement à rembourser les femmes pour les avortements qu'elles ont payés dans la période 1999 – 2006. Pour avoir des renseignements, appelez sans frais à : 1-866-504-9993.*

## ARCC-CDAC GOES INTERNATIONAL

In October 2006, ARCC-CDAC's Joyce Arthur attended an international abortion conference hosted by the International Federation of Professional Abortion and Contraception Associates (FIAPAC; [www.fiapac.org/e/RomeProgr2.html](http://www.fiapac.org/e/RomeProgr2.html)). Over 450 healthcare professionals and activists attended the conference from around the world, including five from Canada. A poster presentation on behalf of ARCC called "How to Think About the Fetus" proved to be very popular. (An online PDF version is available at [www.arcc-cdac.ca/fetusposter.pdf](http://www.arcc-cdac.ca/fetusposter.pdf).) Joyce also gave a well-received presentation about anti-abortion "Crisis Pregnancy Centres" in BC, on behalf of the Pro-Choice Action Network, a coalition member of ARCC-CDAC.

A comprehensive ARCC-CDAC report called "The Case for Repealing All Abortion Laws" has sparked interest and favourable comments from around the globe. At the FIAPAC conference, Joyce distributed over 100 copies of this paper (available on our website at [www.arcc-cdac.ca/action/repeal.pdf](http://www.arcc-cdac.ca/action/repeal.pdf)). Canada is in the enviable position of being the only democratic country in the world with no abortion laws. In spite of some ongoing access problems, Canada's abortion practices and policies are among the most liberal and progressive in the world. This gives ARCC-CDAC a valuable opportunity to inform people about our experiences and advocate Canada as a model for other countries in the world.

## MEET OUR MEMBERS...JOYCE ARTHUR



Joyce Arthur has been active in the abortion rights movement in Canada since 1988. She has been a leading activist with BC's Pro-Choice Action Network for many years, working on provincial and national issues and initiatives to promote abortion rights and access. She edited the newsletter Pro-Choice Press from 1995 to 2005, and has written hundreds of articles over the years on abortion and reproductive rights. In 2005, she spearheaded the founding of the Abortion Rights Coalition of Canada. She lives in Vancouver BC with her husband.

## FRAMING THE ARGUMENT... BOOKS FOR PROGRESSIVE READING!

When it comes to language, the radical right has the rest of us spinning our verbal wheels and we're losing ground. Whether it's health, the environment, foreign or domestic policy, rational and intelligent arguments are too easily lost to right-wing rhetoric.

To take a subject near and dear to our hearts, we need only look at the use of the term "pro-life" or better yet, "partial birth abortion". Does it matter that there is no such medical term, that late-term abortions are heartbreaking because something has gone terribly wrong and often a woman's life is in danger? The term is out there and it only serves to put us on the defensive.

Maybe it's time to pick up George Lakoff's book "don't think of an elephant!: KNOW YOUR VALUES AND FRAME THE DEBATE". Lakoff shows us how conservatives have framed the issues, and provides examples of how progressives can reframe the debate. The conservatives gained ground by spending millions on learning how to use language to 'frame the argument'. We can do the same by spending only a few dollars and buying this book.

## PRO-CHOICE VS. ANTI-CHOICE AT CARLETON UNIVERSITY

By Joyce Arthur

A high-profile struggle between anti-choice and pro-choice students took place at Carleton University in Ottawa late last year. The anti-abortion group on campus, Lifeline, applied to CUSA for official club status, but at a November meeting, CUSA introduced a motion to prohibit anti-choice groups from attaining club status. Anti-choice groups accused CUSA of suppressing freedom of speech, while CUSA said that anti-choice advocacy amounted to discrimination against women and their goal was to protect women's safety and prevent harassment. More than 600 students signed a petition opposing the motion, while another 800 put their names to a petition supporting it. CUSA was inundated with hateful anti-choice mail from across the country, and CUSA council members were harassed and received physical threats.

At a packed meeting in December, the "Motion to Amend Discrimination on Campus Policy" passed by a vote of 25 to 7. It read: "CUSA and CUSA Inc. respect and affirm a woman's right to choose. No CUSA resources, space, recognition or funding [will] be allocated for anti-choice purposes." ARCC-CDAC supports CUSA's new policy and we provided information and various supports to the student council during its struggle.

Surprisingly however, CUSA members overwhelmingly voted to give Lifeline Club status at its next meeting in January. A CUSA official said it was a "misconception" that the policy was adopted because of Lifeline, and that the issue was about freedom of speech. "It's always been about actions and not supporting certain actions," explained Shelley Melanson, vice-president of finance for CUSA. It's unknown how CUSA plans to police the activity of Lifeline to conform to the policy.

## SHARING STORIES

Though women have had the right to a legal abortion in Canada for nearly twenty years, there is still a great deal of stigma and shame surrounding the telling of their unique experiences and stories. Sharing these stories can help women feel more supported and less isolated. The stories can build a more educated and understanding community and contribute to the global movement for reproductive rights. Check out three websites that feature real stories of women who have had abortions: [www.canadiansforchoice.ca](http://www.canadiansforchoice.ca), [www.feministcampus.org/network/global/globalvoices/index.asp](http://www.feministcampus.org/network/global/globalvoices/index.asp), and [www.imnotsorry.net](http://www.imnotsorry.net). If you'd like to share your story with our readers, please contact us at [info@arcc-cdac.ca](mailto:info@arcc-cdac.ca).

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How you can take action:

- Find out whether your MP is on our anti-choice list ([www.arcc-cdac.ca/action/conservative-danger.html](http://www.arcc-cdac.ca/action/conservative-danger.html)). If not, email or call them and ask them to stand up and defend abortion rights whenever necessary. If they are on our anti-choice list, email or call them to let them know you strongly disagree with them using their elected status to impose their personal views on the public and their constituents. Demand that they represent the views of their pro-choice constituents in their political work.
- Write letters to the editor of your local newspaper supporting reproductive rights, especially in response to articles or other letters with an anti-abortion bias.
- Join ARCC-CDAC and one of our listservs to stay informed on reproductive rights issues and become active (go to [www.arcc-cdac.ca](http://www.arcc-cdac.ca) and click on Join/ Participate).



## JOIN ARCC TODAY

ARCC encourages all pro-choice supporters to become members. Please consider signing up for automatic monthly donations to help establish sustainable funding. You can complete the following membership form and mail it to ARCC-CDAC, P.O.Box 2663, Station Main, Vancouver, BC V6B 3W3. Or, details and the full range of membership and list serve options are available on our website at [www.arcc-cdac.ca](http://www.arcc-cdac.ca)

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Address: \_\_\_\_\_

Street City Province Postal Code:

Phone: (home) ( ) (work) ( )

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## DEVENEZ MEMBRE DE LA CDAC AUJOURD'HUI

La CDAC encourage tous les individus qui soutiennent la voix pro-choix de devenir membre de notre Coalition. Des dons mensuels automatiques nous assurent une stabilité à long terme, ce qui nous permet de maintenir et de planifier nos activités et nos publications. Veuillez imprimer et remplir ce formulaire, et l'envoyer à: ARCC-CDAC, C.P. 2663, Succ. Main, Vancouver, C.-B., V6B 3W3. Vous pouvez également visiter notre site Web à: [www.arcc-cdac.ca](http://www.arcc-cdac.ca) pour des options d'adhésion et de listserv disponibles.

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J'attache un chèque marqué NUL afin de vous fournir mes informations bancaires. *(Vous pouvez annuler ou ajuster votre don mensuel en tout temps, en nous avisant deux semaines d'avance.)*

***Special thanks to the Fredericton Morgentaler Clinic for their generous donation towards printing.***