



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

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Fact Sheet on Anti-abortion Motion 312

Conservative MP Stephen Woodworth introduced a private member's motion in March 2012 that, if successful, would convene a special Parliamentary committee to review the definition of "human being" in Subsection 223(1) of the Criminal Code of Canada to determine if it should be extended to include fetuses. Motion 312 will be voted on in June or early fall.

Motion 312 poses a real danger to abortion rights and to the rights of all pregnant women. It is motivated by anti-abortion ideology, with the intent to bestow legal personhood on fetuses in order to re-criminalize abortion.

The motion raises issues that have already been answered by Canada's Supreme Court (including in *Tremblay v. Daigle*, *Dobson v. Dobson*, *Winnipeg Child & Family Services v. Ms.G.D.F.*, *Borowski v. Attorney General of Canada*, and *R. v. Morgentaler*.) The law has always treated a pregnant woman and her fetus as one person. The intimate connection between a woman and her fetus cannot be considered in isolation, and giving rights to fetuses would impose a duty of care on a pregnant woman that would result in extensive and unacceptable intrusions into her bodily integrity, privacy, and autonomy.

The motion is based on a fundamental confusion between the medical and biological aspects of "what is a human being" and the legal and social aspects of personhood. A medical definition defining the fetus as human would not result in a change in the legal and social aspect of the fetus. Fetuses are biologically "human" in the sense that they are composed of human tissue and DNA, but they are not "persons" in a legal or social context. Personhood is a socially and legally constructed concept, and it is bestowed upon birth for practical and obvious reasons. Granting personhood to the fetus means removing personhood from the woman.

Giving legal recognition to fetuses would necessarily compromise women's established rights and put their health at risk. Historical and medical evidence clearly shows the negative and often catastrophic results when the state imposes restrictions on the reproductive rights of women in the interests of "protecting" fetuses. Women risk their health and lives by resorting to illegal unsafe abortions.

Further, **giving legal recognition to fetuses invites the prosecution of pregnant women for any perceived harm to fetuses** by creating confusion around how child welfare laws and policies apply to fetuses as legal persons. In the U.S., hundreds of women have been prosecuted because of so-called "fetal homicide" laws and thousands more have been subjected to punitive and counterproductive child welfare interventions that treat what women do or experience during pregnancy as evidence of child neglect or abuse.

The only person who can make conscientious and informed decisions on behalf of an embryo or fetus is the pregnant woman herself. The best way to protect fetuses is to provide pregnant women with the supports and resources they need for a good pregnancy outcome – which may sometimes include having an abortion.

Please visit our Action Alert page on Motion 312: www.arcc-cdac.ca/m312.html. You will find links to:

- Online and paper petitions to sign opposing the motion
- Sample letters and postcards to send to your MP to protest the motion and ask them to vote against it
- Fun actions you can do, and other websites organizing against the motion
- Counter arguments, news, and commentary about the motion