

Your Voice for Choice



Abortion Rights
Coalition of Canada

Coalition pour le droit à
l'avortement au Canada

Canada's only national political pro-choice advocacy group

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May 24, 2015

To: Brian Reardon, Chief Administrative Officer
Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC, V1W 3Z4
(sent by email: info@cord.bc.ca)

Dear Mr. Reardon:

I'm writing on behalf of the Abortion Rights Coalition of Canada to lodge a complaint about the Regional District's approval of a permit for an anti-abortion display of symbolic flags that occurred along Springfield Road in Mission Creek Regional Park on Wednesday, May 20.

Your approval of a permit for this display seems to have run afoul of the District's own bylaw that regulates park usage. We believe it also contravened the *Charter of Rights and Freedoms*, which the Regional District is subject to as a local government.

A review of your bylaw reveals that nothing in it addresses human rights protections. However, because the District is subject to the Charter as well as to human rights codes, it is not sufficient to refer only to administrative rules in your bylaw when considering applications for park permits. You also need to take into account rights-based guidelines.

To illustrate, please consider this hypothetical example: A white supremacist group applies for a permit to hold a "White Power" rally in the park. Your current bylaw has no provision to allow you to refuse such a permit on the basis of racial discrimination. Section 17(6) of the bylaw reads: "The Region will **not withhold a permit** unless the proposed assembly..." followed by three subsections that (a) prohibit overly-large gatherings or (b) activities that would damage the park, or (c) would create a risk of dispute or interference with use of the park. Assuming the District would not want this "White Power" rally to occur in one of its parks, it would likely rely on subsection (c) to refuse the applicant a permit.

Your approval of a permit for the anti-abortion display on May 20 created that same risk of dispute or interference with use of the park, yet you did not refuse a permit. The risk was in fact

borne out: Someone tried to pull up some of the flags, police were called, passersby made rude gestures, park users were disturbed, and several articles were published by local media outlets about the controversy.

The Kelowna Right to Life Society applied for the permit and was responsible for the flag display. In addition to the display, however, worded banners and signs lined the roadway, and volunteers attended throughout the day, falsely warning that Canadian women are routinely having abortions up to the ninth month of pregnancy. This is familiar disinformation that has been refuted many times.

Abortions in Canada are very rare after 20 weeks and are done almost exclusively for reasons of fetal anomaly or other very compelling reasons (for example, a very young incest victim whose pregnancy was not discovered until quite late). In the third trimester (24+ weeks), abortions in Canada are done ONLY in cases of fatal fetal abnormality, where the fetus has no chance of survival if brought to term. (See [statistics here](#), noting that the total of 21+ week abortions is about 0.6% of ALL abortions performed.) Late abortions are not preventable, and they involve the most vulnerable and desperate women and girls. It would be profoundly cruel and unjust to pass a criminal ban on such abortions, and Canada has not done so.

Signs urgently calling for a law to prevent late-term abortions, and [statements made to Daily Courier reporters](#) that Canada is the only democracy in the world that allows abortions without any restrictions or time limits and that “we can kill our babies right up to the moment that they are born,” are inflammatory propaganda highly disrespectful to both women and doctors. This was an extremist and purely political event designed to persuade the public to support discriminatory laws that would remove women’s right to bodily autonomy, life, liberty, privacy, and conscience as guaranteed by the Charter and affirmed by the 1988 Supreme Court Morgentaler decision that struck down Canada’s abortion law.

Just as white supremacists oppose the rights of people of colour, anti-abortion protesters oppose women’s rights. In neither case is the Regional District justified in permitting park use that involves the objective of attacking the rights of vulnerable groups that have equality under the Charter and explicit protection from discrimination under human rights codes.

To be clear, our objection is not that the display shouldn’t have been allowed because it was “controversial” or because it led to dispute. Many things in life are controversial, but do not offend people’s Charter rights. The problem here is that **the anti-abortion group’s aim was to undermine the Charter rights of women, and it received official sanction to do so.**

May we ask that you revise your bylaw and policies related to park use to take into account the provisions of the *Charter of Rights and Freedoms* and human rights codes in order to prevent government sanction of discriminatory activities?

Thank you very much.

Sincerely,



Joyce Arthur
Executive Director, Abortion Rights Coalition of Canada (ARCC)
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