



The Conservative Party is still anti-choice

Its future viability may depend on whether it can leave the abortion issue behind

By Joyce Arthur, Abortion Rights Coalition of Canada

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(A screenshot from the Youtube page of the Conservative Party of Canada.)

When the Conservative Party of Canada votes for their new leader on Sunday Aug 23, will the party turn over a new leaf by electing a more moderate leader who would truly put to bed social issues like abortion, dying with dignity, and LGBTQIA+ rights?

Or will the new leader continue the Party's mixed record by staving off actual anti-choice legislation, but doing things like withdrawing funding of safe abortion overseas and neglecting to enforce the *Canada Health Act's* requirement to fund abortions outside hospitals?

Or worse, will the new leader actively work to pass new restrictions like banning sex selection abortion, limiting the criteria for medical assistance in dying, and allowing healthcare workers to refuse to even refer patients for services they object to?

The answer could either spell the end of the Conservative Party, or mark a new beginning.

The Candidates and Party Are Both Divided on Abortion

Two of the four Conservative leadership candidates –Leslyn Lewis¹ and Derek Sloan² – are openly anti-choice and want to implement all of the above restrictions plus much more.³ Neither seems to have any shot at winning according to a new poll.⁴ Nevertheless, the anti-choice group RightNow is predicting a narrow victory for Lewis, although dubiously based on the size of the donor base for each leadership campaign.⁵

Both Lewis and Sloan are strongly endorsed by RightNow as well as Campaign Life Coalition,⁶ and those endorsements could play a kingmaking role by pushing candidate Erin O’Toole to victory as the next-preferred choice over Peter MacKay.⁷

Erin O’Toole⁸ wants healthcare workers to be able to deny treatment for personal reasons and would cancel overseas funding for safe abortion. He claims to be pro-choice, as does Peter MacKay. But all four candidates would allow free votes on private members’ bills on human rights issues. In contrast, the Trudeau government no longer allows free votes on bills that could compromise Charter rights, including the right to abortion.⁹

The Conservative party relies on a significant voting base that is opposed to abortion and dying with dignity, and to at least some extent, LGBTQIA+ rights. This puts the party in a bind because they must somehow keep that voting base happy while assuring the majority of Canadians that a Conservative government won’t take away their human rights.

We saw an example of how this works in the October 2019 federal election, when the party was recruiting pro-choice candidates in Quebec with the promise that abortion was a dead issue, while assuring anti-choice candidates from other provinces that they could bring forward private members’ bills against abortion.¹⁰

Simply put, the no-choice candidates in this leadership race have little hope, while the more viable candidates are in the social conservative bind.

The Party’s “Stinking Albatross” and Questionable Friends

Last fall, party leader Andrew Scheer was unable to gain the trust of voters that his personal views on abortion and other social issues would not somehow affect his governing.¹¹ Peter MacKay famously called it the “stinking albatross” around Scheer’s neck, and media commentary blamed it in part for his defeat.¹²

Yet another problem bedeviled the Conservative Party during the 2019 federal election campaign. The anti-choice group RightNow did their best to ensure the election of as many Conservative anti-choice MPs as possible with the hope they would introduce anti-abortion legislation.¹³ The Conservative Party tried to distance itself from RightNow during the campaign, but there were indications of “too close for comfort” connections between the Party and this hardline anti-choice group.¹⁴

While RightNow did not meet its (impossible) goal of replacing 50 pro-choice MPs with 50 anti-choice ones in swing ridings, it did make some limited gains compared to the previous Parliament.^{15,16} The Abortion Rights Coalition of Canada counts at least 66% of current Conservative MPs as anti-choice,¹⁷ but 28% have an unknown stance. Since only 6% of Conservative MPs are known to be pro-choice, most of the “unknowns” are likely anti-choice.

All of this indicates that the Conservative Party is far from finished with its “stinking albatross” problem. Voters should beware, especially those who intend to vote Conservative in the next election – 31% of whom would be even more likely to vote Conservative if the Party did not re-open the abortion debate.¹⁸

But what about pro-choice Peter MacKay? Could he really be the leader to usher the Conservative Party into the promised land of No More Abortion Debate, Period?

Party Strategies and the Problem of Private Member Bills

For clues, let’s take a look at private members’ bills, which are an established part of Parliamentary tradition. Since the late 1980’s, anti-choice backbenchers (mostly Conservatives, but also some Liberals) have taken advantage by introducing 46 private members’ bills or motions that directly or indirectly threatened abortion rights.¹⁹ None has passed but one came close – Bill C-484 in 2008 during Stephen Harper’s reign.²⁰

We’re all familiar with the standard Conservative Party line that they won’t “re-open the abortion debate,” which basically means they won’t pass anti-abortion laws. That’s misleading because a Conservative government can impact abortion rights and access in other ways, such as by defunding safe abortion overseas or refusing to enforce the *Canada Health Act*²¹ (against New Brunswick in particular²²). Also, private member bills do have a small chance of passing, such as on non-partisan issues, or under a majority government that supports the bill.

Therefore, a Conservative election win even under Peter MacKay’s leadership *can* threaten abortion rights – unless the leader promises not to allow any measure to succeed that would restrict abortion or reduce access, including ensuring that no private member bill on abortion makes it through Parliament. (Note that even such a “progressive” Conservative government may still do nothing to actually *improve* abortion access.)

Let’s imagine a future Prime Minister Peter MacKay with a majority Conservative government. He could either let a private member bill on abortion proceed through Parliament undisturbed and risk its passage, or he can do something to discourage or stop it. In fact, MacKay has already promised to employ at least one of the prevention strategies that Stephen Harper actually used during his tenure:

- Kill the bill somehow, such as by influencing the Subcommittee on Private Members’ Business to declare it non-votable²³
- Distance himself or his government from the bill²⁴
- Discourage his caucus from voting in favour of it²⁵
- Require his Cabinet members to vote against it (MacKay said he would do this²⁶)
- Ensure that at least one Conservative MP debates against the bill in Parliament²⁷

This might sound promising from a pro-choice perspective, but alas, it’s not in line with what the majority of Conservative Party members want.

The Party's Anti-choice Policy Book

A look at the Conservative Party's policy book sheds light on the Party's actual positions on abortion and other social justice issues.

At the Party's 2016 and 2018 conventions, an active anti-choice contingent led by Campaign Life Coalition (and RightNow) succeeded in passing most of its favoured resolutions.²⁸ As a result, the Conservative Party policy book now contains at least ten principles or resolutions,²⁹ that if acted upon, could threaten the Charter rights of Canadians. Here's five key examples:³⁰

- **62. Healthcare** – (excerpt) “The Conservative Party supports conscience rights for doctors, nurses, and others to refuse to participate in, or refer their patients for abortion, assisted suicide, or euthanasia.”
- **71. Euthanasia** – “The Conservative Party will not support any legislation to legalize euthanasia or assisted suicide. The Conservative Party of Canada opposes the extension of euthanasia and assisted suicide (MAID) to minors, to people who are not competent and people who live with psychological suffering.”
- **73. Maternal Health** – (excerpt) “Abortion should be explicitly excluded from Canada's maternal and child health program in countries where Canadian aid is delivered, since it is extremely divisive – and often illegal.”
- **81. Women** (excerpt) – “We condemn discrimination against girls through gender selection abortions.”
- **104. Protecting Pregnant Women** – “The Conservative Party supports legislation to ensure that individuals who commit violence against a pregnant woman would face additional charges if her unborn child was killed or injured during the commission of a crime against the mother.”

Clearly, a majority of Conservative Party members remain committed to restricting abortion and other rights, and the Party depends on its anti-choice voting bloc to help it win elections, despite its need to become more moderate. How will it navigate this divide, and is that even doable? The answer may depend on who emerges victorious on Sunday.

Conclusion

The fact that Leslyn Lewis and Derek Sloan ran as serious candidates shows the ongoing strength of the Conservative Party's traditional anti-choice stance.³¹ Still, RightNow's prediction of a narrow victory for Lewis³² seems wildly off-base.

If Erin O'Toole wins the Conservative Party leadership race despite his promises to honour at least some of the Party's retrograde policy recommendations, that could keep the Conservative Party locked into its losing anti-choice stance and doom its chances of future election victory. We need only look at what happened last October and the fact that 71% of Canadians don't want to re-open the abortion debate.³³

If Peter MacKay wins, he would take steps to neutralize the inevitable attempts to restrict abortion rights and access (even while in Opposition). But how far will he go? Can he keep social conservatives mollified under the Party umbrella, or will he risk losing this key voting bloc? On the other hand, if the Party makes a true shift to more moderate positions on social issues, it could attract many new voters and open the door to an election victory.

Ultimately, this leadership race is a choice between stagnation or transformation. Choosing either O'Toole or MacKay will present a challenging future for the Party because its internal abortion debate is far from over. The Conservative Party of Canada is still anti-choice.

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- 1 Interview by anti-choice group RightNow: https://www.itstartsrighnow.ca/leslyn_lewis_interview
 - 2 Interview by anti-choice group RightNow: https://www.itstartsrighnow.ca/derek_sloan_interview
 - 3 <https://www.timescolonist.com/poll-suggests-how-abortion-climate-policies-affect-support-for-conservatives-1.24161109>
 - 4 <https://ipolitics.ca/2020/08/19/mackay-ahead-of-otoole-by-a-hair-in-tory-leadership-race-poll/>
 - 5 https://www.itstartsrighnow.ca/the_path_to_victory
 - 6 Anti-choice group RightNow asked Party members to mark O’Toole as their third choice (after Sloan and Lewis): https://www.itstartsrighnow.ca/cpc_leadership2020, while Campaign Life Coalition said both O’Toole and MacKay are non-supportable and should not be voted for at all: <https://www.campaignlifecoalition.com/voters-guide-to-conservative-leadership-race-2020>
 - 7 O’Toole has been courting the social conservative vote, while MacKay has been alienating it: <https://www.cbc.ca/news/politics/social-conservative-vote-otoole-mackay-1.5493779>
 - 8 Interview by anti-choice group RightNow: https://www.itstartsrighnow.ca/erin_otoole_interview
 - 9 <https://www.cbc.ca/news/politics/justin-trudeau-says-abortion-rights-trump-mps-freedom-to-vote-their-conscience-1.2763647>
 - 10 https://www.huffingtonpost.ca/entry/alain-rayes-scheer-abortion_ca_5d646465e4b0641b2551c23d
 - 11 <https://www.cbc.ca/news/politics/mackay-scheer-conservative-leadership-1.5341633>
 - 12 <https://www.ctvnews.ca/politics/conservative-voters-divided-on-abortion-climate-policies-poll-suggests-1.5002589>
 - 13 <https://theyee.ca/Opinion/2019/09/11/Scheer-Wants-You-To-Think-Abortion-Access-Protected-It-Would-Not/>
 - 14 <https://www.cbc.ca/news/canada/ottawa/rightnow-volunteers-campaign-abortion-questions-1.5272540>
 - 15 RightNow: “The total number of pro-lifers in the House of Commons has increased from 53 to (at least) 68 Members of Parliament.” https://www.itstartsrighnow.ca/one_step_backwards_two_steps_forward
 - 16 <https://www.thestar.com/vancouver/2019/11/24/anti-abortion-group-says-45-now-elected-conservative-mps-would-vote-to-restrict-abortion-access-heres-why-pro-choice-experts-are-concerned.html>
 - 17 <https://www.arcc-cdac.ca/wp-content/uploads/2020/06/anti-choice-unknown-MPs-2019.pdf>
 - 18 <https://www.ctvnews.ca/politics/conservative-voters-divided-on-abortion-climate-policies-poll-suggests-1.5002589>
 - 19 <https://www.arcc-cdac.ca/presentations-anti-bills/>
 - 20 <https://www.arcc-cdac.ca/oppose-bill-c-484-unborn-victims-of-crime-act/>
 - 21 <https://www.cbc.ca/news/canada/harper-s-tories-aim-to-erode-women-s-rights-by-stealth-coalition-1.750387>
 - 22 <https://www.cbc.ca/news/canada/new-brunswick/new-brunswick-transfer-payments-abortion-access-1.5527586>
 - 23 https://www.huffingtonpost.ca/2013/03/21/sex-selective-abortion-canada-mark-warawa_n_2926130.html
 - 24 <https://www.arcc-cdac.ca/c484-clone/>
 - 25 <https://www.theglobeandmail.com/news/politics/harper-eager-to-quash-anti-abortion-motion/article4234003/>
 - 26 Peter MacKay says he would do this: <https://www.cbc.ca/news/politics/erin-otoole-peter-mackay-abortion-conservative-1.5478743>. However, the other three leadership candidates would not whip any votes. Erin O’Toole: https://www.itstartsrighnow.ca/erin_otoole_interview.
 - 27 https://www.thestar.com/news/canada/2012/05/11/hbert_stephen_harper_seeks_to_put_the_abortion_issue_to_rest.html
 - 28 <https://www.campaignlifecoalition.com/hot-news/id/437>
 - 29 Conservative Party of Canada Policy Declaration, August 25, 2018: <https://cpcassets.conservative.ca/wp-content/uploads/2020/02/03153653/8a1184b72cf8450.pdf>
 - 30 Others include:
 - Founding Principle of “A belief in the value and dignity of all human life”
 - 7. Free Votes
 - 69. Assisted Human Reproduction and Related Research
 - 88. Government Values Attestation
 - 110. Child Protection
 - 31 <https://www.arcc-cdac.ca/wp-content/uploads/2020/06/50-Abortion-Conservative-Party.pdf>
 - 32 https://www.itstartsrighnow.ca/the_path_to_victory
 - 33 <https://toronto.citynews.ca/2020/01/31/canada-abortion-poll-2020/>