



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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Abortion Rights Coalition of Canada Welcomes Bill to Protect Abortion Care Facilities in Ontario

Anti-abortion harassment is a serious problem at many clinics

NATIONAL – Today's announcement by Ontario's Attorney-General Yasir Naqvi that the provincial government is introducing a bill to protect health care facilities from anti-abortion protesters is a "huge relief," says a national advocacy group for the right to abortion.

"Protesters have long been a serious and growing problem for many abortion clinics in Ontario," said Joyce Arthur, Executive Director of the Abortion Rights Coalition of Canada. "A few clinics experience almost daily protests, while others are subjected to spring or fall 'vigils' during the so-called '40 Days for Life'." Arthur said that patients coming for an abortion or other reproductive health care at facilities often feel frightened or upset when they see protesters – even if they are just standing there silently. "It's very intimidating, because the mere presence of protesters can make patients feel judged or shamed, as well as worry about their privacy and safety. Unfortunately, some protesters go beyond the pale and will approach and harangue women and their companions. They may shout nasty things at them, and try to impede their path or foist unwanted literature on them."

It can sometimes feel like a "war zone" for clinic staff, said Arthur. "At a few clinics, a protester has even invaded and occupied the waiting room, which is very dangerous because it scares and antagonizes the patients and their companions, and creates stress and trauma for the staff. Let's not forget the history of violence and terrorism by so-called 'pro-life' activists, with over a dozen doctors and clinic staff murdered since the 1990's. Three Canadian doctors were shot and injured in the 1990's too. From the perspective of a staff person or a woman coming for an abortion, how do they know if a protester is carrying a gun or not?"

If the new bill becomes law, it will establish safe access zones of 50m around eight dedicated abortion clinics not associated with a hospital. These clinics, all of which are in or near metro Toronto as well as one clinic in Ottawa, can apply to extend the zone up to 150m if needed. In addition, the bill allows any other facility providing surgical or medical abortions to apply for a safe access zone up to 150m. This includes pharmacies that dispense the abortion drug Mifegymiso, as well as any hospital or doctor's office that provides abortion care or prescribes Mifegymiso. The homes and offices of service providers would be automatically protected with 150m safe access zones.

The bill is inspired by BC's Access to Abortion Services Act, passed in 1995 and upheld as constitutional because it justifiably restricts, in a narrow manner, the freedom of speech of protesters in the interest of protecting women's safety, privacy, and dignity as they access a necessary health service. Quebec and Newfoundland also passed safe access zone laws last fall based on BC's law, and Alberta is currently considering doing the same.

"It will be a huge relief to have this protection in place," said Arthur. "We are grateful to the Ontario Attorney-General for recognizing the seriousness of the anti-choice harassment problem outside many clinics. Minister Naqvi acted quickly and decisively to protect the safety of women and

transgender people who need to access abortion care. Once passed, the law will help ensure an atmosphere of peace and security for those who work at abortion facilities, as well as the growing number of healthcare professionals and pharmacies involved in the provision of Mifegymiso.”

From a legal perspective, Arthur believes the bill looks very strong. “Like BC’s law, it is carefully tailored to restrict freedom of expression as little as possible while ensuring the ability of patients and staff to access or provide essential healthcare without fear of intimidation, harassment, or violence. If the law is challenged in court we are confident it will be upheld as constitutional, like BC’s law was upheld in 2008.”

More information:

- *Court Injunctions and Bubble Zone Laws in Canada* (2017): <http://www.arcc-cdac.ca/presentations/Bubble-Zones-Court-Injunctions-in-Canada.pdf>
- *A Survey of Anti-Choice Protesting Activity at Canadian Abortion Clinics* (2010) <http://www.arcc-cdac.ca/presentations/ARCC-survey-protest-activity.pdf>

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