



To: **Law Amendment Committee**  
Nova Scotia Legislature  
Legc.office@novascotia.ca

From: **Tabitha Ewert**  
Legal Counsel for We Need a Law

March 6, 2020

**Re: *Protecting Access to Reproductive Health Care Act* - Bill 242**

On behalf of We Need a Law, a campaign that advocates for pre-born human rights in Canada, I wish to express concerns about the *Protecting Access to Reproductive Health Care Act* - Bill 242. This bill is overly broad, capturing many peaceful activities while unduly targeting pro-life speech. I ask that you consider the flaws in this bill and reject it altogether. Should the bill proceed, I ask that you consider the following amendments.

1. Remove the prohibition of informing under “Interference”

The activities targeted by this bill are not about protecting the safety of anyone, but they are about silencing a viewpoint. It prohibits “interference” in an access zone and defines “interference” as including “informing or attempting to inform another person concerning issues related to abortion service” (Section (2)(f)(iii)). It does not target *ways* of informing people, nor does it target *misinformation*. Rather, it prohibits *all* information. Beyond the obvious *Charter* freedom of expression issues, in what way does the Nova Scotia government think it is improving the life of its citizens by banning information?

Not only does this bill infringe freedom of expression, it patronizes women, suggesting they cannot handle information about abortion. Women seeking abortions are often facing difficult circumstances, making complex decisions based on what they think, what they feel, what they see, what they hear - a myriad of factors. Her decision is based on the whole world around her, and an *informed* choice requires *information*. Silencing one voice doesn’t increase her autonomy, it decreases the information and potential support available to her.

*Recommendation: Remove Section 2(f) and 3(1)(a)*

2. Remove the targeting of pro-life speech under “protest”

In the proposed bill, “protest” is defined as “an act of disapproval or attempted act of disapproval, concerning issues related to abortion services” in (Section 2(j)). This targets only one side of the issue – those who disapprove of abortion.



Consider this scenario: Two people could be standing next to each other, one with a sign that says, "I regret my abortion" and one with a sign that says, "I do not regret my abortion". Under Bill 242, only the first sign is illegal, even though both are an expression of someone's personal experience. One woman's experience is irrelevant under this law because she regrets her choice and now disapproves of abortion.

This law targets pro-life speech, regardless of the form it takes, and it does so on public streets, the forum recognized as the place for Canadians to freely express their views. What reason does a government have to say all pro-life speech, regardless of how peacefully presented, needs to be banned on certain public streets?

If this government means to stop disruptive protesting, then the target should not be on the content of the speech, but on the manner it is conveyed. The government could regulate the manner of protest through limiting the size of permissible gatherings or through a prohibition based on noise level. If this government is intent on addressing loud or disruptive protests, the emphasis should be on the way protests are held, not on the beliefs of those gathered.

*Recommendation: Remove Section 2(j) and 3(1)(b)*

### 3. Remove the prohibition of peaceful activities

If there is a problem you are seeking to address, make sure this bill targets only that problem, and is not overly broad. If the issue you are trying to address is harassment, intimidation or physically impeding someone's access to abortion, then make sure this bill is tailored to do that. As this bill is currently drafted it includes a broad range of activities and would impose fines and imprisonment for peaceful behavior.

Protecting women's rights cannot include fining and imprisoning women who are pro-life. Yet, that is what this bill does. It says to women who disagree about the morality of abortion, and want to peacefully express that belief, that their freedom of expression does not matter.

*Recommendation: Remove Subsection 3 (1)(b), (d), (e)*

This bill is flawed and will not benefit Nova Scotia's civil discourse nor the lives of Nova Scotian women. I ask that you take seriously the concerns I have expressed and either reject this bill or amend it in a way that does not prohibit a peaceful pro-life presence on Nova Scotian streets.

Sincerely,

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