



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,

Tabitha Ewert

Legal Counsel, We Need a Law

tabitha@weneedalaw.ca

P.O. Box 1377 STN B, Ottawa, Ontario K1P 5R4

1-866-410-9625

Good morning everyone,

Thank you to the committee members here today for allowing me to speak in support of the Reproductive Healthcare Bill 242.

My name is Megan Boudreau and I support the bill exactly as it has been initially proposed by the NDP. Reproductive health care services shouldn't be harassed. No person should have to endure harassment for a medical procedure. Anti-abortion protesters should be out of sight for those going in and out of abortions clinics. No matter their decision, patients and practitioners should feel safe and supported when going into a medical procedure. Currently, this is not the case. No one should have to face protesters while seeking medical treatment, but currently, that is the case. I have never advocated for anything before in my life. But I absolutely could not go on knowing that I didn't try to help protect my fellow sisters. What I saw was unethical and immoral to do to someone in such a vulnerable and delicate state.

So, I took it upon myself to try and protect the mental and physical well-being of those seeking abortion. This all started with me having to walk by protesters daily for about a month. I've lived in other provinces, and was already aware that they usually had an anti-abortion protest day at the beginning of every October. The Campaign Life Coalition has a huge following, and they have had their anti-abortion protests every October and throughout the year, since 1987, starting in California. They have been allowed to harass and protest choice outside of abortion clinics for over 30 years, despite women being granted the right to choose for just as long.

I moved to Halifax in September to finish my degree, and was honestly taken back by how frequently this group was protesting outside of the VG. I thought about how many people this must have upset, and how I wasn't sure if I would have the courage to walk through a line like theirs on my way in for an

abortion. They are making something that is already so difficult, even more traumatic. This angered me, for the sake of my fellow citizens. My heart hurt for everyone who has had the additional trauma of being judged, ridiculed, and harassed while trying to obtain the healthcare they have a right to. I knew something needed to change. I knew deep down that what these anti-abortion protesters were doing was harmful and wrong. I started with a video, which I posted online, showing my disgust for what they were doing to a vulnerable population. At that time, I wasn't aware of a solution, all I knew was something needed to change. Thankfully, someone on the internet mentioned Bubble Zones. I immediately started my research and was astonished to find out that many provinces already have this law in effect.

Why doesn't Nova Scotia? Something bad shouldn't have to happen to put protection in place. But something bad is already happening. I've had so many people reach out to me and thank me for asking for these protesters to move. SO many people have been negatively affected by the actions of these protestors. Anti-abortion groups claim to be peacefully protesting. But to quote a local social worker and abortion doula, Shannon Hardy, "Telling someone that they can't access health care is violence. You can't peacefully take somebody's rights away. Regardless of how you're doing it".

I became vocal, asking a lot of questions; the most important being "what can I do?". I started an online petition, to gain awareness on this subject. Over twelve hundred people were quick to support safe access for healthcare. You don't even have to be prochoice to believe that healthcare should be harassment free. It seems like a no brainer to ask protestors to move away from clinics, offices, homes, and hospitals, for everyone's safety and protection. Canadians have a right to access reproductive healthcare. Period.

Everyone here knows someone who has had an abortion. And there are so many reasons for why someone would undergo this medical procedure, none of which should be judged or decided by anyone else.

It was extremely uncomfortable for me to go around this city, asking strangers to talk about bubble zones to protect safe abortion access. But a small amount of discomfort for them and myself is a small price to pay for a better and safer future.

It is inspiring seeing MLAs stand up and share their personal experiences. They have given voice to this by sharing their stories. It is a testament to the fact that a law like this is necessary. Not just to protect people seeking safe access to healthcare, but to show that it is ok to talk about abortion. This isn't about the stigma surrounding abortion, this is about safe access to healthcare.

I am beyond grateful for this collaboration. It is a rare occasion for all parties to be in support. Reproductive health care services should be free from harassment and intimidation.

Thank you for your time.

Good Morning.

My name is Kev Corbett. I have worked in the music sector locally, regionally, nationally and internationally for 20 years now as a side musician, songwriter, instructor, festival staff, booker, board member, soundman, the list goes on.

Like all of us, I owe everything I am to excellent women. I was raised by my mom and the circle of women around her, so it follows naturally that to the extent I have friends at all, they tend to be female-identifying. When I moved here, I began volunteering at Red Herring books, Halifax's first alternative bookstore, because I had a creeping feeling that I was 'very small town', and there I was hipped to social factors like misogyny and feminist response, homophobia and the pride movement's response, racism and the solidarity movement's response. It was around that time that I met my excellent partner and the profoundly ass-kicking quality of women with whom she regularly surrounds herself. It was not long after that I was welcomed into the exceptional community of people at the Company House – an arts hub opened by and for women and allied and queer artists - and it is in grateful solidarity with all of them that I speak.

I'm going to get the hell out of the way and quote my excellent partner here.

This is a piece from a blog post she wrote in 2014, and it speaks to women being lectured to about how to deal with their lives. I would encourage anyone interested to read the full piece at stephaniedomet.com. The piece is called Now Is The Time For All Good Men To Get Out Of the Way If they Can't Lend a Hand, and this is an excerpt. It's from 2014, the week her former employer fired an abuser about whom women had warned each other for years. In it she says:

Much as I've been heartened by the ability of people to change their point of view through discussion and careful consideration, I have been disheartened by the number of times this week I have been lectured to, by men who ought to know better, who've had every opportunity to educate themselves and think critically. I've been lectured on equality, and the need for it. I've been lectured on the suffocating culture of silence around sexual violence. I've been lectured on the necessity of letting the courts do their work. I've been lectured six ways from Sunday on issues I've been breathing like air and drinking like water since I was six years old.

Men: it is time for you to shut up if you can't be helpful. It is time for you to stop assuming you know more about this than we do. Just stop it. Listen to us. Don't jump in to give us solutions as if we haven't thought of them, tried them, watched them fail, started again just in case we hadn't tried hard enough the first time. If the pace of social change on the issue of women's equality is too slow for you, well, we have that in common. Why don't you ask yourself why that pace is so slow, instead of blaming women for not getting it done faster?

We have been rolling this boulder up the hill for decades. It is time for you to help.

And if you can't do that, then get out of the goddamn way. Sit down and shut up. The women are talking.

In solidarity with my mothers, aunts, my cousins, my sisters, my partner, my niece, my friends and colleagues, I say abortion is legal, and women's access to health services should never be predicated upon whether they can beat their way through a line of scrimmage.

Thank You.

Office of the Legislative Counsel
802-1809 Barrington Street
PO Box 1116
Halifax NS B3J 2X1

March 5th, 2020

To the Members of the Standing Committee on Law Amendments and the Nova Scotia Legislature:

I would like to send in my remarks in support of Bill 242, Protecting Access to Reproductive Health Care Act.

I moved to Halifax, Nova Scotia to pursue a master's degree in the fall of 2010. I've been a very proud resident of this wonderful city ever since (and the province for most of my life). However, when I arrived in the "big city", living as a student in the South End of Halifax, I noticed something awfully surprising – there were folks camped outside the Victoria General hospital most days. I walked by them most days, too. What I later learned was these individuals took it upon themselves to shame and insult those who would be going in to the Women's Choice Clinic. I was appalled. And this was just one example in our province.

As a very young person, I was able to contemplate the empathy I had for women and others who would have to arrive to what is often an already difficult day, increased by this scrutiny and hardship. Imagine a world where folks would camp out of a medical ward because they didn't believe in blood transfusions (very possible given some religions' beliefs, however not accepted at the hospital at all). However, for literally decades, we've allowed this sort of harassment to occur.

What surprises me now, is that in 2020, it remains the same.

Beyond the appeal to empathy, understanding, and considerate care, there are many reasons why this bill must pass:

- Access to reproductive health care is a right in our country and has been for decades. The deterrent of having harassers on site is not acceptable and does not give free access to our healthcare system.
- Because of this, it creates a system that makes it harder for women and others who bear children to access healthcare, being inherently discriminatory in nature.
- This is not protest, it is harassment. In all likelihood, these "protests" do not result in changed behaviour that they are seeking, but merely makes the access to healthcare unduly difficult.
- This harassment can create further trauma and health issues for those who endure the effects.

I am sure that there may be those against abortion during the sitting on March 6th. I am sure that those individuals would try to sway something that is foregone – that reproductive rights in our country are just that – a right, and that includes abortion. Their "protest", when directed to those accessing healthcare in our province, is not a protest, it is harassment.

While my remarks do not speak for the Local Council of Women, Halifax, on their own, our Executive has agreed to support this Bill unanimously and I would like that to be known by the members.

Many thanks for your reading and consideration.

Sincerely,



Sarah B. MacDonald, MA, CFRE

President, Local Council of Women, Halifax

From: [REDACTED]
Sent: Thursday, March 5, 2020 9:35 PM
To: Office of the Legislative Counsel
Subject: the office of legislative counsel on this Bubble thing

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

Exercise caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

To whom it may concern: I want to speak to the rights of the people. Isn't it in our Constitution that we have the right to freedom of speech and expression, not to mention the saving of innocent lives. What has happened to our society when a life means nothing more than quick decision to end it. I once thought that my life was in such turmoil that the only way out was to have an abortion. Thank God that I felt the light stirring of life, even in the early days and decided not to go ahead with it. I have a beautiful daughter who is now 50 years old and she is a real joy and comfort to me because I chose life for her. I dread to think of the guilt and sadness I would be experiencing now, had I chosen to go ahead with the abortion. Those of us who believe that all life is precious just want to be there to offer help to people who are not so sure of what they are about to do. Please don't take away the rights of those of us who just want to be there for those who may not be sure of what they are about to do. There are alternative measures and help available. Thank you, Sincerely, Della Aucoin

From: Maureen McQuaid [REDACTED]
Sent: March 6, 2020 9:02 AM
To: Office of the Legislative Counsel
Cc: Life Nova Scotia
Subject: Protecting Access to Reproductive Health Care Act - Bill 242

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

Exercise caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

To the Committee:

I would like to submit a statement to be read to the committee making known my opposition to Bill 242.

Whatever our personal view on abortion, it is important that peaceful, non-violent protests be permitted without restriction in a democratic society which upholds free speech.

The 40 Days for Life is a well-known outreach that aims to end abortion locally through prayer and fasting. Participants stand on the exterior sidewalk on the south side corner of the Victoria General Hospital where abortions are performed. This location is actually quite a distance from the building itself and is only one of several entry ways into the facility. Participants do not approach people but will provide information and support to those who pass by if asked. It is a peaceful and prayerful protest. For the most part, participants stand silently praying and there has been no cause for concern regarding any untoward conduct on the part of the participants and there certainly have not been any incidents of harassment or intimidation. If there were we have laws to deal with that kind of behaviour. A bubble zone law would make illegal to do simple, peaceful activities around the hospital. I have written my MLA and expressed my concern of taking such a restrictive measure on a peaceful vigil when there is no evidence to support it.

Regarding the concern that "*protesters can be very triggering*" - we know from other kinds of protests that wherever there are conflicting interests, opposing opinions will be upsetting to the other persons. To disturb is the aim of any protest. I believe the real concern is that this kind of protest will cause women who seek an abortion to change their mind. This is precisely the whole point of the protest (or any protest). The possibility of changed minds and the saving of human life is why we need to ensure freedom of expression.

Like any protest, the location of the 40 Days for Life vigil is a key element of the campaign. Given the ways people's mind process information the distance between the message and the viewer often determines if the message is understood. Participants of 40 Days for Life wish to express their message where there is an obvious connection between the place where abortions are performed and their message. Something would be lost in the messaging if 40 Days for Life is held any further away from the hospital grounds. Freedom of assembly on a public sidewalk is an important right for all Nova Scotians for any kind of protest and a peaceful vigil for the pre-born ought to be no exception.

Freedom of expression and freedom of religion are basic rights which need to be upheld by our public representatives. They should not be easily trampled on. This is the kind of thing that can drastically erode Nova Scotians' rights by targeting peaceful expression of the pro-life view. I don't see how our legislature can support a bill that will place a restriction on freedom of speech without a just cause; when there has been no incidents of harassment or intimidation. I trust that you will uphold all our freedoms.

Respectfully submitted,

Maureen McQuaid

