

# Legislation

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Communiqué #03



*Catholic and Living It!*

**TO: Provincial Chairpersons of Legislation**  
**CC: National Executive (for information)**  
**National Life Member Liaison (for information)**  
**FROM: Glenda Carson, National Chairperson of Legislation**

“The inalienable right to life of every innocent human individual is a constitutive element of a civil society and its legislation” (*Catechism of the Catholic Church*).

My dear sisters in the League,

On June 24<sup>th</sup>, the Supreme Court of the United States overturned its *Roe v. Wade* decision that had established a constitutional right to abortion, bringing a renewed interest in abortion law in Canada. With the question arising about what effect the change in American law could have on legislation in this country, there has been a strong call by pro-choice advocates to maintain the unrestricted access that currently exists here. Therefore, it seems a crucial time to look at the current state of Canadian abortion regulation and legislation from the perspective of protecting the right to life for unborn children.

Canada is the only democracy in the world with no federal abortion legislation (criminal law). The *Canada Health Act* requires that abortion be classified as medically necessary in all provinces and that they provide services with full funding and accessibility. Failure to do so can result in withholding federal transfer payments to a province, as experienced by the New Brunswick provincial government when it refused to provide insured services for a community-based abortion clinic. This is a noteworthy federal government influence on provincial autonomy to regulate abortion services. It is also a stark difference from the usual federal hands-off approach to how provinces decide to use federal transfer payments for other health care services, such as palliative care.

Several private member bills have sought recognition and protection for unborn children, including Bill C-233 *An Act to amend the Criminal Code (sex-selective abortion)*, but have never been successful. It is interesting to note that the legal recognition of personhood can vary with circumstances. Legal personhood status has been considered for some animal species and corporations. Canadian Indigenous people have also used this approach for environmental protection concerns. This does beg the question, why can Canadians also not provide this most basic of recognition to the most vulnerable of the human species? It remains essential to encourage federal legislators to continue bringing forth bills that protect the rights of unborn children and to challenge the current state of legislation.

The overturning of *Roe v. Wade* could be an opportune time for a renewed call for federal legislation. However, because of the protective stance toward unrestricted access to abortion by so many parliamentarians, there is concern the current status of abortion could be further enshrined into federal law. An online poll conducted by Research Co. in May 2022 indicated the majority of Canadians prefer

abortion regulation as it now exists, further creating reticence among politicians to address the issue. However, online polls are not always considered representative of a population of people and may not determine respondents' knowledge regarding a political issue. The more scientific poll by Dart & Maru Blue Voice Canada that occurred in 2020 indicated a more significant number of Canadians are supportive of at least some restrictions on abortion.

The enactment of federal legislation to protect the unborn is of significant importance, requiring strong voices of advocacy and transparent information about abortion to Canadians. The American experience shows that laws can change. Together with your diocesan counterparts, please encourage members to continue their important work of being well-informed voices of advocacy for the legal protection of unborn children and to continue to be a counterbalance to the hopelessness that so often drives so many pregnant women to consider abortion.

A handwritten signature in black ink, appearing to read 'Glenda', with a stylized flourish at the end.

Glenda Carson  
National Chairperson of Legislation