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September 27, 2013

Mayor and Council
City of Kamloops
7 Victoria Street West
Kamloops, B.C. V2C 1A2
Via email: legislate@kamloops.ca; mayor@kamloops.ca

Dear Mayor and Council:

Re: Your Authorization of an Anti-Choice Banner

We write to express concern over the City of Kamloops' decision to approve the hanging of an anti-abortion banner in prominent city locations for two weeks this fall. We object to the use of City property to advance a cause that undermines women's equality rights and espouses a view that is contrary to law. By approving the banner and allowing its prominent display on City property, the City of Kamloops is implicitly endorsing an anti-choice perspective that is contrary to the *Canadian Charter of Rights and Freedoms* and flies in the face of Canadian values, women's equality rights, and Supreme Court of Canada jurisprudence.

The City of Kamloops' own policy on the approval of street banners states that banners must conform to the principles underlying the *Canadian Charter of Rights and Freedoms*. Equality, dignity, autonomy, and the right to make fundamental personal decisions without interference from the state are key principles underlying the *Charter*, and women's equality rights are guaranteed by the *Charter's* section 15. The banner's anti-choice message, which seeks to undermine a woman's right to access an abortion and promotes the view that women should be forced by the state to carry unwanted pregnancies and bear children against their will, does not conform to the principles underlying the *Charter* and conflicts with the equality rights the *Charter* protects. In our view, the City's decision to approve the banner is in conflict not only with the City's obligations under the *Charter*, but with its own policy on the approval of street banners.

Access to abortion is, at its core, an issue of sex equality. The views espoused by anti-abortion activists through the use of "pro-life" rhetoric are in direct opposition to women's rights to equality, liberty and security of the person, which are protected by the *Charter*. So-called "pro-

life” groups seek to remove women’s control over their reproductive capacity and give that control over to the state. The Supreme Court of Canada has held that to force a woman to carry a fetus to term, irrespective of her own aspirations and priorities, is a profound interference with a woman’s body and thus a violation of her right to security of the person, and cannot be justified in a free and democratic society.¹ Anti-choice organizations seek to remove a woman’s freedom to choose to terminate an unwanted pregnancy, in accordance with her own aspirations and priorities, and to force her to carry the fetus to term against her will. This mandate, which has been thoroughly rejected by the Supreme Court of Canada, ought not to be given the City’s implicit endorsement by permitting anti-choice organizations to promote this objective on City property.

We appreciate that the City must balance free speech rights against the need to protect community members from hatred and discrimination. While the banner’s message may appear innocuous on its face, it is clear that it is an anti-choice message, and is being promoted by an anti-choice group. Recently, the mayor of Regina rescinded his declaration of “European Heritage Week” upon discovering that the group behind the request was the Nationalist Party of Canada, a white supremacist organization.² The mayor recognized that the free speech of rights of a racist organization cannot trump the equality rights of community members. A celebration of European heritage may be innocuous enough, but when it is promoted by a racist organization that espouses hatred and discrimination, there is no question that the City must not be seen to endorse it, implicitly or otherwise. We believe the same approach should be applied here.

The BC Task Force on Access to Abortion and Contraceptive Services has reported that at every one of its five regional meetings, abortion service users and providers recounted experiences of harassment and intimidation due to anti-abortion activities.³ A Vancouver-based doctor providing abortion services suffered two separate attacks on his life by anti-abortion activists,⁴ and violent threats against abortion doctors by anti-choice organizations are common.⁵ The Mayor’s duty to foster a community where women can feel safe accessing their legally protected right to the health care they need, and where medical professionals feel safe in providing it, demands that the City of Kamloops refuse requests to promote anti-choice views on City property.

Women’s autonomy and right to choose are firmly established in Canadian law. By endorsing an anti-choice banner which seeks to undermine women’s constitutionally protected reproductive

¹ *R. v. Morgentaler*, [1988] 1 S.C.R. 30.

² “Regina fooled by white supremacist group into declaring “European Heritage Week” *Canadian Press* (21 August 2013), online: <<http://news.nationalpost.com/2013/08/21/regina-fooled-by-white-supremacist-group-into-declaring-european-heritage-week/>>.

³ B.C. Task Force on Access to Abortion and Contraceptive Services, *Realizing Choices*, at p. 17-18.

⁴ “Abortion doc stabbed in Vancouver” *CBS News*, 11 February 2009, online: <<http://www.cbsnews.com/stories/2000/07/12/world/main214492.shtml>>.

⁵ “Stabbing suspect picture” *CBC News*, 13 July 2000, online: <http://www.cbc.ca/news/story/2000/07/13/bc_paperthreat000713.html>.

rights, the City calls into question its commitment to Canadian equality values and adherence to the rule of law. We call on you to reject all further requests to use City property to promote anti-choice events or initiatives.

Yours truly,

A handwritten signature in black ink, appearing to read "Laura Track". The signature is fluid and cursive, with the first letter being a large, stylized "L".

Laura Track
Legal Director