

**1994:** In November, Dr. Garson Romalis of Vancouver is shot and seriously wounded in his home by an unknown sniper hiding in the back alley. This is the first of what would become known as the infamous "Remembrance Day" shootings of abortion providers.

**1995:** In response to the shooting of Dr. Romalis, British Columbia introduces the Access to Abortion Services Act, the first legislation in Canada to prohibit protests outside abortion clinics, and doctors' offices and homes. In early 1996, a court strikes down two provisions of the act, saying they are an infringement of freedom of expression. In September 1996, the BC Court of Appeal restores the Act to its full force, saying that specific, geographical limits on free speech are justified to protect vulnerable groups.

**1995:** In November, Dr. Hugh Short of Hamilton, Ontario is shot in the elbow while relaxing at his home.

**1996:** In November, the Edmonton Morgentaler clinic suffers a butyric acid attack. Butyric acid is a toxic, foul-smelling chemical that is injected through the walls and ceilings of abortion clinics.

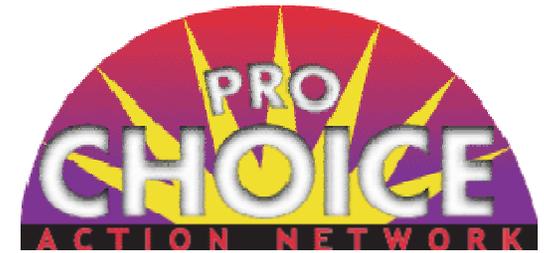
**1997:** Two more doctors are shot and wounded in their homes in November, an anonymous doctor in upstate New York, and Dr. Jack Fainman of Winnipeg. A national police Task Force is created to investigate the Remembrance Day shootings and catch the sniper.

**1998:** In late October, Dr. Barnett Slepian of Buffalo, New York, becomes the first fatality in the Remembrance Day shootings. Anti-abortion protester James Kopp is charged for this and the Hugh Short shooting, and is a suspect in the other Canadian shootings. Kopp is finally arrested in France in March 2001.

**2000:** Dr. Garson Romalis is stabbed in the back while entering his medical office. Romalis recovers, but the assailant is never caught.

**2008:** Private Member's Bill C-484, the "*Unborn Victims of Crime Act*," passes Second Reading in Parliament. The bill would have endangered abortion rights by creating fetal personhood. After a national pro-choice campaign against it, the Conservative government withdrew its support for the bill, which died when a federal election was called in October. Bill C-484 was the first anti-abortion bill to ever make it past Second Reading.

**Today:** Canadian women in most major centres have access to funded abortion. Medicare pays for abortion in hospitals, and New Brunswick is the only province that continues to refuse to pay for abortions in clinics, in violation of the *Canada Health Act* and the 1988 Morgentaler decision. Rural women everywhere in Canada still have difficulties with access.



## Legal History of Abortion in Canada

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**1869:** Abortion is made illegal, under the threat of life imprisonment. Dissemination of information about birth control is also made illegal.

**1892:** Parliament enacts the first Criminal Code, which prohibits abortion and the sale, distribution, and advertisement of contraception.

**1926 to 1947:** 4,000 to 6,000 Canadian women die as a result of bungled illegal abortions.

**1936:** Social worker Dorothea Palmer is arrested and charged under the Criminal Code with offering birth control information.

**1967:** A federal committee considers amendments to the Criminal Code on abortion. The committee hears from many groups and individuals on both sides of the issue, including Dr. Henry Morgentaler, who urges repeal of the abortion law and freedom of choice on abortion.

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Around this time, an estimated 35,000 to 120,000 illegal abortions are taking place every year.

**1969:** Parliament passes amendments to Section 251 of the Criminal Code, decriminalizing contraception, and allowing some abortions under extremely restricted conditions. Some hospitals with Therapeutic Abortion Committees can approve and provide an abortion, if the pregnancy would endanger the woman's life or health. Access to abortion is applied unevenly and unfairly across the country. Women wait an average of 8 weeks for an abortion. Some provinces refuse to provide any abortion services at all, and abortion is largely unavailable to women outside major cities.

**1969:** Dr. Henry Morgentaler defies section 251 of the Criminal Code and performs abortions in his medical practice in Quebec. In June 1970, Morgentaler's office is raided by the police and he is charged with conspiracy to perform an abortion.

**1970:** The Vancouver Women's Caucus, a group of independent feminists, organizes political opposition to Section 251. The Caucus organizes the Abortion Caravan, the first national feminist protest. Women travel over 3,000 miles from Vancouver to Ottawa, gathering numbers as they go. In Ottawa, the Abortion Caravan, now 500 women strong, holds two days of demonstrations. Thirty women chain themselves to the parliamentary gallery in the House of Commons, closing Parliament for the first time in Canadian history.

**1971 - 1973:** Ten more criminal charges are laid against Dr. Morgentaler. In November 1973, a Montreal jury of 11 men and one woman acquit Morgentaler. In an unprecedented move, the Quebec Court of Appeal overturns the jury verdict and finds Morgentaler guilty in 1974. The doctor appeals his case to the Supreme Court of Canada. In 1975, the court votes 6-3 to uphold

the Quebec Court's conviction and Morgentaler is sentenced to eighteen months in prison. While serving his sentence, he is tried on a second charge. A jury acquits him again, and the Quebec Court of Appeal upholds that acquittal.

**1974:** The Canadian Abortion Rights Action League (CARAL) is founded, the first national group promoting abortion rights in Canada.

**1976:** The Federal Minister of Justice sets aside Morgentaler's conviction on the first charge and orders a new trial. Morgentaler, who had suffered a heart attack in jail, is freed after serving ten months of his sentence. In September, he is acquitted at the retrial of the original charges, the third time a jury acquits him. In late 1976, the Quebec government drops all further charges against Morgentaler.

**1977 to 1983:** Clinics open in Quebec, Toronto, and Winnipeg in spite of Section 251. Prince Edward Island refuses to fund abortions and all hospitals stop providing the service. Morgentaler's Winnipeg and Toronto clinics are raided by police and Dr. Morgentaler is charged with conspiracy to procure a miscarriage, along with other doctors. At the 1984 trial, everyone is acquitted.

**1985:** The Ontario Attorney General appeals the 1984 jury acquittal. In October, 1985, the Ontario Court of Appeal sets aside the jury acquittal and orders a new trial. Dr. Morgentaler appeals to the Supreme Court of Canada.

**1987:** The BC Coalition for Abortion Clinics (now called the Pro-Choice Action Network) is founded to establish clinics in BC.

**1988:** On January 28, the Supreme Court of Canada strikes down Canada's abortion law as unconstitutional. The law is found to violate section 7 of the Charter of Rights and Freedoms

because it infringes upon a woman's right to life, liberty, and security of the person.

**1989:** In March, the Supreme Court of Canada refuses to decide on the claim of Joe Borowski that fetuses have a constitutionally guaranteed right to life, saying his case was moot, due to the abortion law being struck down.

**1989:** Dr. Morgentaler opens a clinic in Nova Scotia after the provincial government passes legislation prohibiting abortions at clinics. Morgentaler is charged under the provincial Medical Services Act. In 1990, a provincial court strikes down the Act as unconstitutional and acquits Morgentaler.

**1989:** In Manitoba, Ontario, and Quebec, ex-boyfriends try to get injunctions to stop their former girlfriends' abortions. Chantal Daigle of Quebec is refused an abortion under an injunction and appeals to the Supreme Court. During the hearing in August, the court learns that Ms. Daigle has already had an abortion in the U.S., but overturns the injunction against her anyway.

**1989:** The federal government introduces Bill C-43, an amendment to the Criminal Code that would prohibit abortion unless a doctor finds the pregnancy is a threat to the woman's physical, mental, or psychological health.

**1990:** In May, the House of Commons passes Bill C-43 and the legislation is sent to the Senate for approval. In 1991, the bill is narrowly defeated by the Senate in a tie vote. Abortion is now treated like any other medical procedure.

**1992:** A firebomb destroys the Toronto Morgentaler clinic. No-one is hurt, but the perpetrator is never caught.

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