



The Brief

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New Brunswick invites the return of unsafe abortions



The announcement that the Morgentaler Clinic in Fredericton is closing in July after two decades of operation sparked nation-wide actions in support of reproductive rights and in solidarity with New Brunswick and PEI women who will find it harder to access abortions with the closure of the Fredericton clinic. Some 600 women from mostly New Brunswick and PEI access abortions in the Fredericton clinic every year. Sorcha Beirne with Fredericton Youth Feminists is seen here addressing over 100 people at a pro-choice rally in Charlottetown on May 8, 2014. Photo by Judy Burwell.

By JOYCE ARTHUR

The government of New Brunswick has embarked upon a perilous political path in recent weeks. It has decided to directly endanger the health and lives of New Brunswick women on the basis of its presumed “pro-life” religious beliefs. The main person behind this decision is, ironically, Health Minister Ted Flemming.

On April 10, the Fredericton Morgentaler Clinic announced that it must close at the end of July for financial reasons. This abortion clinic, the only one in the province, has offered safe and compassionate care since 1994. However, the province has continually refused to fund it, forcing the clinic to collect payment directly from patients in contravention of the federal Canada Health Act. The province does fund some abortions at two hospitals (in Moncton and Bathurst), but together they can only handle about 40 per cent of the province’s abortion caseload, which will not change if the government gets its way.

The province enforces two regulations, both of them blatantly illegal and unconstitutional. One prohibits public funding of any private clinic, and the other requires a woman to obtain written approval from two doctors who must certify that the abortion is “medically necessary” before she can get a funded abortion at a hospital.

In 1995, Health Canada required all provinces and territories to fully fund private clinics if they provided medically necessary procedures, and clarified that such clinics are included in the definition of “hospitals” under the Canada Health Act. All provinces with abortion clinics have since started funding them—with the sole exception of New Brunswick. Further, its regulation requiring two doctors’ approval replicates the same restriction that the Supreme Court of Canada tossed out as unconstitutional in 1988—a requirement that women get approval from a committee of three doctors. The Court said this caused delays or denied access entirely, thereby increasing risks to women’s health and violating their bodily security rights.

The New Brunswick government knows that its

regulations are illegal and that it would lose in court on the issue. That’s why it used every delaying tactic in the book to obstruct Dr. Henry Morgentaler’s lawsuit while he was alive. His suit to repeal the regulations was launched in 2003, but it took him six years just to win standing. The government had claimed that because Dr. Morgentaler wasn’t a woman seeking an abortion, he didn’t have the right to sue—even though he owned the clinic and often paid personally for women’s abortions. By 2009, Dr. Morgentaler had spent over a million dollars on the case and was too tired and broke to continue. The case has been dormant ever since and he died in May 2013.

This didn’t stop the New Brunswick government from issuing a brief statement on the day of the clinic’s closure announcement, claiming that, “As this matter is still before the courts, the department has no further comment.” In response to this willful stupidity, the Morgentaler family promptly withdrew the inactive lawsuit, yet the government continues to use it as an excuse to do and say nothing, even though the suit was an indictment of their own actions.

The government’s woefully inadequate statement also said: “Women will continue to have access to medically necessary abortions in the province with the approval of two physicians.” Of course, the government knows full well that most New Brunswick women will be unable to access abortion services in the future because of the barriers and bottlenecks created by their regulation. But as André Picard, a public health reporter for *The Globe & Mail*, puts it, the province wants to maintain the “petty, misogynistic, contemptuous-of-Charter rights status quo.”

New Brunswick is embarking on a dangerous experiment because it is cutting off access to abortion to more than half the people who need it. When women (and transgender persons who can experience pregnancy) cannot access abortion services, they don’t magically and happily have babies instead. They are either forced into unwanted childbearing with all its proven negative effects, or they travel for abortion care if they can afford it, or they find a way to do it themselves—illegally and often unsafely. Prince Edward Island is proof of the latter. This means that New Brunswick literally holds women’s lives in its hands—and is deliberately choosing to jeopardize them.

Perhaps the government doesn’t yet realize that the Morgentaler Clinic served as a crucial safety valve that minimized the harms of its discriminatory regulations. But once the clinic closes, the government will be faced with the very real prospect of women being injured or possibly dying from unsafe abortions. Will it accept responsibility when that happens? Or will its “pro-life” beliefs make it predictably indifferent?

We may already have the answer with Health Minister Flemming’s statement that the province “has no plans to get involved.” So here we have a serious health crisis that the province has single-handedly created; a crisis in which women will be discriminated against, harmed, and possibly killed; and the Health Minister’s response is that he has no plans to get involved. Let that sink in for a moment.

Flemming’s negligent stance may have something to do with the fact that he appears to be completely unqualified to be Health Minister. His biography on the NB government website reveals that he’s also the Attorney General for the province, and has a background as a business lawyer. His Attorney General portfolio creates a direct conflict of interest with his health portfolio, on this particular issue at least. As Attorney General, Flemming’s duty is to defend the province’s laws, but as Health Minister, his duty is to administer medicare and safeguard public health. Because he’s made a choice to defend anti-abortion laws at the expense of women’s health, Flemming should immediately resign as Health Minister.

The current level of pro-choice outrage and activism in New Brunswick is completely unprecedented. The anti-choice movement is quaking in its boots and praying like hell, while the government is desperately trying to pretend it’s business as usual. But everything has changed. It’s not just because of the clinic’s announcement of its impending closure. The government’s arrogant dismissal of women’s health and lives has enraged an entire new generation of activists in New Brunswick, who are steadily gaining in strength and savvy. Come election time this fall, it may cost the government dearly.

Reproductive Justice NB is advocating for publicly funded clinics that offer comprehensive women’s health services including abortion, as well as repeal of NB’s regulations. To help them, please join their Facebook page or check the Abortion Rights Coalition of Canada (ARCC)’s Take Action page, where you can also donate to the cause.

Joyce Arthur is the founder and Executive Director of Canada’s national pro-choice group, the Abortion Rights Coalition of Canada (ARCC), which protects the legal right to abortion on request and works to improve access to quality abortion services.

From the World Cup to the Washington football team, Indigenous people fight to be seen

By DAVE ZIRIN

A 13-year-old boy from Brazil’s Guarani tribe makes a political stand in front of 70,000 soccer fans and what he thinks is an international audience. A movement led by Indigenous women in the United States beats a billion dollar brand of the big, bad, NFL. Both of these stories share more than the fact that they took place during the same week. They have in common the ways that people in power have been reduced to combating their courage by trying to render them invisible. They both demonstrate how if you are an Indigenous person, you can be on the highest possible cultural platform practically surrounded by fireworks, sparkles, and neon signs blaring “LOOK AT ME” and your very presence can still be denied.

Before the opening game of the World Cup, FIFA, the organization that oversees international soccer, thought it would be a good idea to have three Brazilian children each release a “dove of peace.” One of those children was a 13-year-old from the Guarani tribe, Jeguaká Mirim.

The Guarani are Brazil’s largest tribal group. They have also been subject to incredible levels of violence by ranchers who occupy their land for cattle and sugar production. Forcibly herded onto reservations where disease and malnutrition are rife, their situation may actually be getting worse. The ruling Workers Party is attempting to take away even more of their land, which led to violent confrontations—and dramatic images—on the eve of the World Cup in the capital city of Brasilia.

The effects on the tribe are brutal. There is poverty, there is infant mortality, and in the Brazilian state of Mato Grosso do Sul, the Guarani-Kaiowá suffer the highest suicide rate on earth. Jeguaká Mirim wasn’t going to allow himself to be feel-good FIFA scenery while his people suffered. After releasing the dove, he unfurled a banner that read, “Demarcação,” or “Demarcation Now!” This is the highly charged slogan used by Indigenous groups attempting to retain their land rights.

Jeguaká’s father, Olívio Jekupe, said he had no idea that his son was going to do such a thing. Olívio did say that the action “showed the world that we are not standing still. My son showed the world what we need the most: the demarcation of our lands.” There was only one problem however with this... *(continued on page 2)*



Thirteen-year-old Jeguaká Mirim and two others from the Guarani indigenous community used the opening ceremonies of the World Cup to draw attention to the plight of Indigenous people in Brazil and demand the demarcation of Indigenous lands as the Brazilian government is proposing legislation that would reduce the size of some Indigenous reserves. Photo from the Facebook page of the Comissão Guarani Yvyrupa, a group that represents Indigenous people in a struggle for land rights.