



“Dedicated to Justice” • «Au service de la justice»

June 19, 2008

Joyce Arthur, Coordinator
Abortion Rights Coalition of Canada
P.O. Box 2663, Station Main
Vancouver, BC
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Dear Ms. Arthur,

I am writing to you concerning your most recent statement entitled “A fetus is a fetus, not a baby,” which pertains to Bill C-484, the *Unborn Victims of Crime Act*.

The Canadian Resource Centre for Victims of Crime (CRCVC) supports Bill C-484 as it recognizes the real harm done to expecting women and their families when they become victims of crime as a result of a violent attack. We were approached directly by family members of murdered women and unborn children to support Bill C-484.

As an agency that works with survivors of violent crime on a daily basis, we know the importance of justice. Justice must also be seen to be done and C-484 is an attempt to do so. As you know, Canadian law does not currently allow for charges to be laid against an offender who harms or kills a fetus in a violent attack against a pregnant woman.

Your concern over the language used in this Bill, that “mother and child” should instead be replaced with “woman and fetus,” is perhaps valid. No doubt, it is an issue that may be addressed by the Justice Committee.

Nevertheless, we ask that you try to place yourself in the victims’ shoes. If you have ever spoken to survivors directly, you will know the terms “mother and unborn child” are very important; both for the woman, who survives a violent attack when her fetus does not, as well as to all the surviving family members who suffer the violent loss of both.

Most women who choose to be pregnant do everything they can to ensure the baby is born alive and healthy. She and all those who love her recognize she is “having a baby.” The men who generally attack these women do so because they do not want to have a child. Their violent attack is specifically directed against the expectant woman in order to hurt or kill the unborn child.

The fetus in these cases is not an unwanted entity. It is thought of as a baby, loved very much and often named in advance of being born alive. The families who suffer the traumatic loss of both the woman and unborn child are devastated for the remainder of their lives.

To make matters worse, the family is again victimized when they learn that the Canadian justice system will not hold the offender accountable for taking two lives, even though the second life has not yet been born. They are revictimized by a total lack of recognition and justice.

You state, “Even with the best of intentions, laws can be used and manipulated to ends that can’t be predicted in advance. This has happened over and over again with American fetal



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homicide laws, even though the laws were intended to apply only to third-party attacks on pregnant women.” You continue to speculate about how this law “may” be manipulated, even though this legislation clearly states that it cannot be used to criminalize pregnant women for any act or omission.

C-484 does not create a “fetal homicide” law. This bill amends the *Criminal Code* so that legal protection is given to unborn children who are harmed or killed during the commission of an offence against their mothers. The amendment does not change the definition of “human being.” What it does is offer protection to the unborn child in a very particular circumstance.

The criminal law can be used to protect ‘non-persons’ and to prescribe sanctions against those who violate the law. For example, animals are protected from harm by legislation, as are human embryos. Neither is considered “a person or human being” but do receive protection in criminal law.

Your state, “Instead of this bill, society needs to focus on women by implementing substantive measures to prevent domestic violence, including more supports for abused women, more public education, and better enforcement of existing criminal laws against violence. We need equality-advancing programs and policies to help women leave abusive relationships, such as measures to reduce poverty, racism, and economic inequality, as well as a childcare program.” We absolutely agree that better measures are needed to prevent domestic violence and to support the women and children who are victimized by it. Yet, even with significant social development, we will never totally eliminate violence against women. We believe that specific legislation is needed to respond to any deliberate act of violence against an expectant woman when it occurs. We cannot rely on the will or discretion of those working within the criminal justice system. The violence in such cases is particularly malicious. Both the woman and the unborn child deserve protection of the law.

Respectfully,

Heidi Illingworth
Executive Director