

**Transcript of remarks delivered to the press at the Queen's Park Press Gallery, Wednesday, April 22 at 2:00 pm on the 100,000 flags display and FIPPA challenge.**

**Niki Pennings, Assistant to the Director and Media Relations, WeNeedA<sup>LAW</sup>.ca**

The 100,000 small pink and blue flags covering the south-east lawn outside represent the approximately 100,000 human lives ended by abortion every year in Canada. Every flag is a testament to a little boy or girl who was denied a welcome into our nation.

Every flag represents another child who won't be able to take their first steps, lose their first tooth, graduate from school, or enter this Legislature as a citizen or elected official.

100,000 can seem like just another number. The flags allow us to see how many children are denied life. It would be equivalent to about 5,000 classrooms filled with children. Every. Single. Year.

The reality is we *think* there are 100,000 abortions per year in Canada. But we don't really know anymore because the Ontario government now hides the numbers.

We often hear that abortion should be safe, legal, and rare. How can we know if abortion is *rare or safe* if the government refuses to let the residents of Ontario know how many abortions are occurring and whether or not women are being hurt in the process?

Without information about abortion, such as complication rates, total numbers, and the age of the women having the abortion, it's impossible to know what impact public policy or social programs are having.

This Provincial government has a responsibility to ensure that the citizens of Ontario have access to all the information needed to make good decisions about health policy.

So also when it comes to the health and welfare of young teenage girls. In the deVeber Institute's book *Complications: Abortion's Impact on Women*,

considerable attention is given by the authors to the issue of intimate partner violence against pregnant women.

Right now we have no idea how many teens are being pressured into having an abortion by coercive boyfriends. Because the Ontario government will not provide any statistics we have don't even know how many teens are having abortions. No matter what your thoughts are on pre-born human rights – this form of censorship is contrary to everything an open and democratic society should embody.

Today we are calling upon all members of this Provincial Parliament to do everything they can to ensure that every victim is accounted for by ceasing to hide things they simply don't want the residents of Ontario to know about.

And we respectfully remind the government that each victim of abortion is a human being. The death of each one requires documentation, recognition, and a public acknowledgement that their lives matter too.

100,000 is too many. We can do better. We must do better.

**Patricia Maloney, Blogger at [run-with-life.blogspot.ca](http://run-with-life.blogspot.ca)**

Everyone agrees that transparency and accountability are required from government.

Politicians accept this. The public demands it.

But we have a government right here in Ontario that has acted to hide information, while saying the opposite.

And they did this in a bill, whose title ironically, was about this very topic: accountability.

The bill was called the *Broader Public Sector Accountability Act*. It changed the rules by excluding all information regarding one particular, controversial, taxpayer funded medical procedure from the *Freedom of Information and Protection of Privacy Act* or FIPPA.

You see, I am a pro-life blogger. My blog is called Run with Life. One of the things I do is comment on the abortion situation in Ontario. In order to do that effectively, I need access to accurate information regarding abortions that are performed in Ontario. In the past I have been able to get this information by submitting freedom of information requests to the Ontario Ministry of Health.

I then write about what I receive. And I comment on it.

For example, I found out through these requests of OHIP billing records, that there were over 44,000 abortions performed in Ontario in 2010. That's about 45% more than reported by the Canadian Institute of Health information. Now that this law is in place, I can no longer obtain these numbers for Ontario.

That's because all abortion information is now excluded from FIPPA: Abortion numbers. Abortion complications. Abortion costs to the taxpayer. The demographic statistics of women who have abortions: their age, how many abortions they have, and the gestational age of the fetus at termination. Anything and everything about abortion is now being hidden by the Ontario government.

I learned this when a freedom of information request I made was denied in 2012.

I had requested a chart which set out the number of abortions performed in Ontario during a specific trimester and during a specific time. My request was denied because of the changes to FIPPA.

I challenged that decision before the Information and Privacy Commissioner, who rejected my appeal. I then asked the Commissioner to review that decision, arguing that it was unconstitutional. The Commissioner refused to review its decision. So I took the matter to court and asked them to review the Commissioner's decision, because I believed it was unconstitutional.

Throughout the entire process, the government of Ontario opposed me and opposed my challenge. One month before our day in court, and after my lawyer had filed all of our written legal documents, the government gave me the chart I requested--outside of FIPPA--and then took the position that my case was moot and should not be heard. They did this after I incurred \$30,000 in legal fees and after opposing me for 2 and a half years.

If the government can do this with abortion information, the government can do it with anything.

We can't let the government of Ontario continue to hide information that Ontarians and all Canadians have a right to access...

It's anti-democratic. It's unethical. And it's just plain wrong.

What this also means is that not only the public, but the media as well, can't get abortion information through access requests. Freedom of the press is severely curtailed.

And these changes happened in secret. There is no recorded debate in Hansard of the change to FIPPA. No debate in the Ontario legislature; no discussion in committee hearings. It was snuck into law, with no explanation.

In fact, after I discovered the change, I tried repeatedly to get Kathleen Wynne or her Health Minister, or my local MPP to tell me why they did this. They were unable, or unwilling, to give me a reason.

I think we can all agree, that regardless of our own views on this very controversial topic, hiding any and all information, about a publicly funded

medical procedure hinders the public's ability to hold the government to account and sets a dangerous precedent.

This is why, together with ARPA Canada, we have launched this legal challenge. We argue that the government's decision to exclude generic abortion information from FIPPA is unconstitutional.

## **André Schutten, Legal Counsel, ARPA Canada**

Good morning,

My name is André Schutten, legal counsel with the Association for Reformed Political Action (ARPA) Canada.

After long and careful consideration, ARPA Canada made the decision to join with Patricia Maloney in requesting a judge to review the constitutionality of the recent amendments to the FIPPA, amendments which Ms. Maloney has already outlined for you.

Our organization is devoted to promoting grassroots political action. We strive to give citizens, particularly Christian citizens, the tools they need to become politically engaged so they can be a voice for truth, justice, freedom, and human rights. But in order to do that properly, we need accurate information.

Freedom of information is protected by the *Charter's* freedom of expression guarantee because without access to government information, a citizen cannot meaningfully discuss, debate, scrutinize or make informed opinions on matters of public policy.

This case is about transparency and democracy. In our view, the actions of a democratic government and the money it spends should be open to scrutiny by the taxpayer and voter. On this point, people from all sides of the political spectrum should join forces with us.

More importantly however, this case is about justice. Justice requires accountability. It is a scientific fact that each abortion takes the life of a human being. Even if many wish to condone or even celebrate this, nobody can deny that a human life has been taken. The way to deal with this is not to censor all abortion-related information. Rather it is to allow the truth to be known, and then to engage in meaningful public discourse about how to address the over 100,000 abortions that occur in Canada every there. There must be documentation,

recognition and, hopefully one day, public acknowledgement of the injustice of abortion.

Provincial governments – Ontario is not alone in this; British Columbia has a similar censorship provision – have a responsibility to ensure that there is access to the information needed to make good decisions about health policy. No matter what your thoughts are on pre-born human rights, this form of censorship is contrary to everything a just, open and democratic society should stand for. Our citizens deserve better.