



# THE DEMOCRACY FUND

February 16, 2024

Community and Protective Services Committee      By email: [cpsc@london.ca](mailto:cpsc@london.ca)  
City Hall – 3<sup>rd</sup> Floor  
300 Dufferin Avenue  
London, ON N6B 1Z2

Dear Committee Members:

**Re: Proposed bylaw banning fetal images**

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We are writing to you about a proposal that the City of London pass a bylaw that would prohibit the public display of any image showing or purporting to show a fetus or any part of a fetus.

The proposed bylaw would obviously limit the right to free expression that protected by the *Canadian Charter of Rights and Freedoms*. As interpreted by the caselaw, the right to free expression protects any type of activity or communication that conveys or attempts to convey meaning. This right can only be limited in very narrow circumstances.

Our concern is that the City of London is being asked to take sides in the political and moral debate about abortion, and to misuse its legislative power to silence one side of that debate.

The proposed bylaw is not about protecting anyone, but is rather about limiting the rights of prolife advocates to express themselves. This is clear from the fact that the bylaw would only prohibit the public display of fetal images, no matter how inoffensive. Conspicuously, the bylaw would not prohibit the display of any other type of image, no matter how offensive. The municipality does not have jurisdiction to pass such a bylaw, because its objective is to limit expression on the basis of its political or moral content.

We note that the City of London recently passed the *Graphic Image Delivery By-law*. This bylaw prohibits the delivery of fetal images to residences in London unless the images are fully concealed in envelopes that contain a mandatory warning. While this bylaw has been applauded by some interest groups, we believe it is unconstitutional and will be challenged in a court of law because its objective is to restrict expression.

Our organization will be following the progress of the Committee with respect to the proposed bylaw. We urge you to respect the *Charter* and not to exceed your jurisdiction by passing bylaws that unjustifiably infringe free expression.



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Yours truly,

*Alan Honner*

Alan Honner  
Litigation Director