

Dear Councillors,

My name is Maria McCann, and I am the leader of a local pro-life advocacy group, London Against Abortion. Since 2016, I and my fellow volunteers have been peacefully sharing the pro-life message to Londoners through demonstrations and outreach. I am writing to share my deep concerns about the proposed amendments to the Streets By-law and its attempt to ban all fetal imagery in the public square.

This by-law proposal singles out pro-life freedom of expression in an unconstitutional way. Section 2(b) of the *Charter* guarantees the right to freedom of expression to everyone, regardless of the popularity or acceptance of their message. The Supreme Court of Canada ruled in *Irwin Toy Ltd. v. Quebec* that this right protects all non-violent conduct that attempts to convey meaning, including expression which may be unpopular, distasteful, or contrary to the mainstream.

As I read through the suggested amendments to the draft by-law, I was alarmed that they would constitute a by-law even *more* extreme than the previous draft. I noted that on page 26, it says that displaying fetal imagery in any way in the public square would be illegal and would constitute a disturbance, an obstruction, and a nuisance. There is no other city in Canada that outright bans fetal imagery. It is important to remember that London's ban on visible fetal imagery in flyers has not yet withstood any legal challenges. The concept of banning fetal imagery in any capacity is by no means "settled legal territory."

Even former Attorney General of Ontario Yasir Naqvi, an architect of the "Safe Access Zones" legislation, recognized that attempts to ban displays of fetal imagery were legally dubious, at best. When asked by a Toronto MPP in 2017 for guidance on banning displays of fetal imagery, Mr. Naqvi replied, "Restricting or limiting anti-abortion protest activities is, however, a very complex legal and social issue that engages the fundamental constitutional protection for freedom of expression under the *Canadian Charter of Rights and Freedoms*." Mr. Naqvi believed a broad ban on pro-life speech would not survive a *Charter* challenge, and felt he could only defend "bubble zones" because they were limited to the immediate area surrounding abortion clinics.

Some claim that they don't want to restrict pro-life freedom of expression, they just want to restrict "graphic images." Notably, though, "graphic images" in this legislation refers only to images of fetuses. No other type of image that could be considered graphic is included in the by-law, which shows that it clearly engages in content-based discrimination. Further to that, victim photography and graphic images have been lawfully used by Canadians for decades to appeal to the public when attempting to inspire social reform. Many contemporary examples come to mind:

- The group Animal Liberation Alliance London stands on public street corners in our city, showing [graphic videos of animal mistreatment](#). I have walked by them doing one of these protests near Budweiser Gardens.

- Concerning the contentious issue of the war between Israel and Hamas, people on both sides of that debate use graphic imagery and victim photography in their protests. Recently in Toronto, pro-Palestinian protesters [created a display](#) of white bundles meant to look like body bags, and fliers showing what resembled bloody handprints. Their display resembled a mass grave.
- In 2015, [Canadian rallies about the Syrian refugee crisis](#) prominently displayed photos of little Alan Kurdi's corpse. The heartbreaking photos of the little boy provoked [responses of grief and solidarity](#) from many major Canadian politicians, including then-PM Stephen Harper and current-PM Justin Trudeau.

The right to peaceful freedom of expression includes the right to share victim photography and graphic imagery about social problems. Advocacy groups do so, not to "glorify" violence, but precisely because they want that violence to *end*, and they want to awaken compassion for the victims of an injustice. If people care deeply about an issue and believe that it's an injustice, I firmly believe their right to speak should be protected, whether or not I agree with them.

Every day in our city, people face unplanned or challenging pregnancies. These individuals deserve to know about social supports that can make it easier for them to carry a pregnancy to term. This is something that London Against Abortion and other pro-life groups have been able to do frequently. As we share the pro-life message in the public square, we have been able to connect with many people who are facing difficult pregnancies and need help. In the past week alone, we've been able to share a [fundraiser-registry on social media](#) for a single mom in London, Jay*, who navigated a challenging pregnancy, and whose baby is currently receiving care in the NICU.

We've also been able to connect with people who feel emotional turmoil after an abortion, and who want to know about a path towards healing. I think about the student Elisa*, whom I spoke with in November 2023 in London. She confided in me that she'd had an abortion as a teenager, and she had spoken about it with very few people. I gave her a flyer with a website on it for post-abortion support, listened to her share her story, and empathized with how much difficulty and suffering she had faced. She thanked me at the end of the conversation, and took the pamphlet with the support info. Last month, in Toronto, I spoke with a university student who was pro-choice and disagreed with me strongly on the abortion issue. At the same time, though, he had a friend who was struggling after an abortion. Despite his disagreement with me on abortion itself, he gratefully took an extra brochure from me to give to his friend, to connect her with post-abortion help. Many people are *thankful* to encounter the pro-life message—even people who don't fully agree with our message.

**Names changed to protect privacy*

Our group is motivated by concern and care for women, for pre-born children, and for families who are struggling during pregnancy or after abortion. I ask you, Councillors, to not single out this *one* movement, the pro-life movement. Don't single out and silence this *one* message, the pro-life message. We're not asking for special treatment—just for the same right to freedom of expression that every Canadian is supposed to have. In light of that, I hope you will uphold your

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responsibility under the *Charter* and vote 'no' against legislation that represses pro-life freedom of expression.

Kind regards,
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