



**PRESS RELEASE**

**FMSQ Considers Bill C-484 May Eliminate Decades  
of Social Consensus and Jurisprudence**

Montreal, April 15, 2008 – The Fédération des médecins spécialistes du Québec (the FMSQ) has vigorously denounced Bill C-484, the “*Unborn Victims of Crime Act*”. This Private Member’s Bill, piloted by Ken Epp, an Alberta MP, was tabled on November 21, 2007 and passed the House of Commons second reading on March 5, 2008, virtually unnoticed. If the Bill passes final reading, it could have serious repercussions on the practice of medicine.

The FMSQ fully concurs that a violent crime against anyone, let alone a pregnant woman, is heinous and unacceptable. But, on the pretext of wanting to toughen sentences handed down in cases of physical attacks on pregnant women, this Bill could implicitly confer legal status on a fetus, which has none under the current legislation.

It will be remembered that on January 28, 1988 after more than twenty years of divisions, incessant and costly legal proceedings and 15 months of deliberations, the Supreme Court of Canada finally settled the matter by striking down section 251 of the Criminal Code and ruling that a woman and her fetus are considered to be a single physical person. Consequently, the woman’s legal status is the only one that applies. The FMSQ considers that Bill C-484 introduces a new legal concept that could, once again, create a conflict between the rights of the fetus and those of the pregnant woman.

In the Federation’s opinion, over and above the virtues claimed for Bill C-484, a persistent attempt can be seen on the Conservative side to relaunch a debate that ended 20 years ago and to reopen the door to the criminalization of abortion. As far back as 1989, a Bill passed by the Commons but defeated by the Senate attempted to restrict abortion to instances where it was required for health reasons and to impose a maximum term of two years’ imprisonment on physicians who contravened the law.

Endorsing this Bill would be equivalent to reopening an unwanted debate with an unpredictable outcome, yet with all the attendant consequences for medical practice. The Federation considers that if it is desired to toughen the sentences of persons committing such crimes, this can be done by making the appropriate changes to the existing legislation. It is also perfectly possible for legislators to strengthen the impact of sentences through stricter enforcement.

Since its election, the Conservative government has tabled not one but two Bills (Bills C-291 and C-484) with the intent of amending the Criminal Code so that charges can be laid in all cases resulting in the violent death of an unborn child. At the second reading, some 147 MPs voted in favour of Bill C-484, 118 of them Conservatives. A majority of Bloc Québécois and New Democratic Party members voted their party lines against passage of the Bill.

“We were astounded to learn that the Leader of the Liberal Party of Canada did not find it advisable to take an official stand on this matter and allowed party members a free vote. Some LPC members therefore voted in favour of the Bill, while others, including the Leader, Stéphane Dion, were not present on this important occasion”.

Dr. Barrette, the FMSQ President, has invited the Leader of the Official Opposition in the House of Commons to take a clear stand on this matter. “Mr. Dion is a strong supporter of clarity: now is the time to prove it! We urge him to make his position clear and call upon his caucus to vote unanimously against Bill C-484.”

In a letter to various members of the House of Commons, including the Prime Minister, Stephen Harper, the FMSQ strongly urged them to protect the gains already made and respect the social consensus by relegating Bill C-484, once and for all, to the oblivion it deserves.

The FMSQ considers that this Bill raises major political and social issues. “This tediously long process, in and of itself, calls for extreme caution. To disregard this sombre and troubled period clouding our legal, social and constitutional systems would indicate a total utter lack of concern”.

The FMSQ urges everyone who shares its point of view to make their Member of Parliament aware of that fact through the special Internet site available at: <http://www.fmsq.org/c-484>.

The Fédération des médecins spécialistes du Québec numbers more than 8,000 members in Québec, representing 35 medical specialties. The sole organization recognized by government with respect to negotiating medical specialists' collective agreements, the FMSQ is also consulted on all aspects of the organization of medical care in Québec.