

Bill C-484:

Every person who, directly or indirectly, causes the death of a child during birth or any stage of development before birth while committing or attempting to commit an offense against the mother of the child, who the person knows or ought to know is pregnant,

- a) is guilty of an indictable offence and liable to imprisonment for life and to a minimum punishment of imprisonment for a term of 10 years if the person
 - i) mean to cause the child's death, or
 - ii) means to cause injury to the child or mother that the person knows is likely to cause the child's death, and is reckless as to whether death ensues or not;
- b) is guilty of an indictable offence and liable to imprisonment for life if paragraph (a) does not apply but the person shows wanton or reckless disregard for the life or safety of the child; or
- c) is, in any other case,
 - i) guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years, or
 - ii) guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding 18 months.

For more information, visit:

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Please contact your Member of Parliament and ask them to support Bill C-484.

[Name of Your MP]
House of Commons
Ottawa, ON
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Remember: Your Voice Makes A Difference!

Did You Know That:

Since 2004, at least 15 pregnant women have been brutally murdered across Canada.

5 of these women were murdered this year.

The leading cause of death for pregnant women is murder.

In each of these cases, no charges have been laid that recognize the loss of an unborn child.

Further, in cases where the woman survived but the unborn child died, the only charge that could be laid is assault against the woman.

Bill C-484, a Private Member's Bill that is coming up for vote in the fall, would make it a criminal offense to harm or kill a wanted unborn child during an attack on a pregnant woman. **Read more...**



BILL C-484

1. Why do we need this legislation?

Many Canadians are shocked to learn that when an attacker kills a pregnant woman's unborn child, no charge can be laid in that child's death, even when the attacker purposely intended to kill the child. This is because our criminal law does not recognize pre-born children as victims of crime until they are actually born alive. This gap in federal law gives rise to grave injustices.

In November 2005, Olivia Talbot of Edmonton who was 27 weeks pregnant with her son, Lane Jr., was shot three times in the abdomen and twice in the head by a long-time friend. No charge could be laid in the death of Baby Lane. Another pregnant Edmonton woman, Liana White, was slain by her husband in the summer of 2005—again no charges could be laid in her baby's death. In March 2007, a man from Surrey, BC, Mukhtiar Panghali was charged with second-degree murder in the death of his wife Manjit Panghali who was 4 months pregnant at the time. Roxanne Fernando from Winnipeg was beaten to death in February 2007 by a youth for refusing to have an abortion. In October of 2007, Aysun Sesen from Toronto was between seven and eight months pregnant when she was repeatedly stabbed in the abdomen. Her husband has been charged with murder in her death. In all of these cases, there has been no recognition of a crime against these women's unborn children.

Clearly there are two victims in these types of crimes, and the public recognizes this. An Environics poll commissioned by LifeCanada released in October 2007 found that 72% of Canadians—and 75% of women—support a law that would make it a separate crime to kill an unborn child during an attack on a pregnant woman. **An Angus Reid Strategies online survey conducted in March of this year found similar results: 70% support among Canadians and 74% support among women.**

The grieving families of the victims have made impassioned pleas to their Members of Parliament and the Government to enact legislation to recognize unborn children as separate crime victims when they are harmed or killed during criminal attacks against their mothers.

2. Isn't this just a backdoor attempt to re-criminalize abortion?

The Unborn Victims of Crime Act has, in fact, nothing to do with elective abortion. **This Bill is totally focused on protecting the choice of a pregnant woman to carry her baby to term and to give her child life. Elective abortion is explicitly excluded in the Bill.** The Bill specifically and intentionally uses terminology that describes the injury or death of the unborn child during the commission of a crime against the mother.

Elective abortion is not a crime in Canada. The Bill includes the following explicit language: For greater certainty, this section does not apply in respect of ... conduct relating to the lawful termination of the pregnancy of the mother of the child to which the mother has



consented. **The Unborn Victims of Crime Act addresses only, specifically and exclusively the situation where a third party harms or kills a woman's unborn child while committing an offence against her – action to which she has clearly not consented.** This legislation honours a woman's right to choose to give birth to her baby.

3. If the Criminal Code is changed to recognize the unborn child as a human being, then wouldn't abortion become illegal?

The Unborn Victims of Crime Act does not in any way change the definition of human being in the Criminal Code. Human being is defined in the Criminal Code as follows: 223.(1) A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother...."

The Criminal Code defines homicide as follows: 222.(1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

So in today's criminal law, legal protection is afforded the child only once it becomes a human being, that is, once it has been born alive. The Unborn Victims of Crime Act would amend the Criminal Code so that legal protection would be given to unborn children who are harmed or killed during the commission of an offence against their mothers. **But importantly, the amendment does not change the definition of human being. What it does is to offer protection to the unborn child in a very particular circumstance, without in any way altering the definition of human being.**

4. Why can't we just make penalties harsher for attacking pregnant women, such as Bill C-543?

There are many problems with Bill C-543. First of all, it cannot be debated in this parliament, which means Canadian women would have to wait until after the next federal election to have the issue of violence against pregnant women addressed. **Second, all Bill C-543 does is make pregnancy an aggravating factor that can be taken into account during sentencing, which is already a common practice in the Criminal system. In other words, it's redundant; it's adding a law into the Criminal Code that is already there.** Third, it still does not address the loss of an unborn child as something of value to the woman. Section 238 of the Criminal Code (which Bill C-484 would amend) already states that if a woman is in the process of giving birth, and someone kills her unborn child in a way that under any other circumstances would be considered murder, that person has committed an offence and is liable for a sentence of up to imprisonment for life. **If we protect unborn children while they are being born, before they are considered human beings, it is common sense to amend Section 238 to protect unborn children at any point in a pregnancy that the pregnant woman wants her unborn child protected. This is what Bill C-484 does.**