

May 28, 2014

Premier Robert W.J. Ghiz  
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Minister Doug W. Currie  
dwcurrie@gov.pe.ca

Dear Premier Ghiz and Minister Currie,

In *R.v Morgentaler* (1988) the Supreme Court of Canada recognized that access to abortion is fundamental to women's right to health and to health care. This right is protected by sections 2 (freedom of conscience) and 7 (protection of life, liberty and security) of the *Canadian Charter of Rights and Freedoms*. Dr. Wedge, the Chief Executive Officer of the Executive Leadership Team for Health PEI, recognizes this: when he was the Executive Director of Medical Affairs for Health PEI he said that "[t]he Supreme Court has said that access to legal abortions is a medically necessary service. So you can't legislate against it, because the Supreme Court would just strike it down... If someone has the skills to provide a medically necessary service, then what basis would you have to deny it?"

Yet despite women's clear and constitutionally protected entitlement to accessible reproductive health care services, the Province of Prince Edward Island has failed over the course of many years to provide access to pregnancy termination in the province. Until recently, the public justification for this failure has been the claim there are no physicians willing and able to provide the service in the province. For example, Health PEI has stated that there is no regulatory or legal impediment to the provision of abortions in PEI hospitals. The implication here is that no abortions are provided in PEI because no physicians are willing to provide them. Further, Richard Wedge has been quoted by CBC News saying "If a physician applied for privileges to do abortions on PEI and they had the skills, the training necessary to do it, then they could get privileges for that on PEI." The implication here is that no abortions are provided in PEI because no off-island physicians are willing to provide them.

These claims are problematic for several reasons. First, there are at least three physicians willing to provide pregnancy terminations in PEI. The problem is that they cannot simply offer to provide pregnancy terminations and then begin to do so. They need hospital privileges and access to the hospital resources (e.g., space, staff, equipment, supplies, lab services, diagnostic imaging services). Further, it is important to note that efforts to address these barriers appear to be stalled within Health PEI. A proposal has been developed for the establishment of a Termination of Pregnancy Service in PEI and has been approved within the hospital where it would reside and put before the PEI Medical Advisory Committee. However, it has not been moved forward by that Committee.

More recently, a second justification has been offered for the failure to provide access to pregnancy termination in the Province: “Due to Prince Edward Island’s size and population, it is not possible to provide every medical procedure within our province.” This claim is also problematic. As mentioned above, a project proposal has been made to the PEI Medical Advisory Committee for the establishment of a Termination of Pregnancy Service. The business case for this proposal demonstrates that the implementation of the service would be cost-positive for the province. The province currently pays \$148,088 per year for off-island services and the proposal would have actual expected costs of \$110,825.

We therefore ask, on what basis is the project proposal for a Termination of Pregnancy Service not being approved? On what basis is the province of PEI continuing to refuse to provide the women of PEI with access to a medically necessary service that it is their constitutionally protected right to access?

The current situation places the lives of the women and girls of Prince Edward Island at serious risk. Yet this can be remedied – especially in light of the fact that there are physicians willing to provide abortions and that there is a proposal for a Termination of Pregnancy Service already before the PEI Medical Advisory Committee. The current situation represents an egregious violation of women’s constitutionally protected rights to fundamental healthcare, something enjoyed by all Canadians. It must be remedied.

We call on Health PEI to implement immediately a Termination of Pregnancy Service and, thereby, to protect and promote women’s health and to respect their *Charter* protected rights to freedom of conscience, liberty, security of the person and equality.

Yours sincerely,

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