

*Criminal Code*

However, Mr. Speaker, the proposed amendments are an advance over what we have had. We in this group are going to support them if we cannot get anything better. But we are going to try to get something better, both in the house and in the committee, and I make no apology to hon. members for taking a little time to explain what we want.

As my parliamentary leader explained the other day, we in this group would like to see abortion deleted from the Criminal Code. We would like to see it taken out completely in the same way that birth control, before this session is finished, is going to be taken completely out of the Criminal Code. Neither one of these is a criminal matter. Both are medical matters. They belong in the province of medicine rather than in the province of the law.

I have a bill on the order paper which would provide for this and I hope the minister will consider looking at it from the point of view that I am putting forward. First I had better point out what my bill in general terms proposes. It would leave the matter of abortion entirely for decision by the medical profession, the pregnant woman and anyone intimately concerned with her. The decision is ultimately that of the woman. It cannot be the decision of anybody else. I do not believe in the postcard approach, the demand approach. I believe that the woman should and must approach a physician for consultation. When this consultation takes place I believe that in the majority of cases, where the pregnancy is reasonable, it would be continued.

I have mentioned those intimately concerned with the woman in the matter. The hon. member for Fundy-Royal has referred to including the husband. I believe that in a decent marriage the husband, of course, would be consulted about such a decision. But there are other cases where marriages have broken down and other influences are at work. Even though he is not married to the woman, I believe that very often the man responsible for fathering the child would be a good person to be included in this type of consultation with a doctor. In the case where a girl is very young, is under age, I believe that her parents ought to be in on the consultation. If the girl is friendless I believe that a social worker or someone of that type should take part in the consultation. At all events I believe that the medical profession can well be trusted to make this momentous decision in consultation with the pregnant woman and

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whoever is closely associated with her in the problem.

What will this approach do so far as the pregnant woman is concerned? It will give her what so many women do not have now, the right to bear healthy, wanted children as a result of her desire to have children. To my mind it is the height of irresponsibility for people to bring into today's world children who are deformed and who cannot be brought up and educated as today's children should be brought up and educated.

What will this approach do so far as the foetus is concerned? I think it will give the foetus the right, in many cases, not to be born. To my mind the right not to be born is very important in a great many cases. At a later date one of my colleagues is going to describe just what it means to be born mindless and deformed, almost beyond human recognition, and having to go on living for years and years as a result of our legislation and the mores lying behind our legislation.

As I say, so far as the foetus is concerned this approach gives it the right not to be born or, looking at it from the positive angle, the right to be a wanted child. Social workers and others who have dealt with many children who have been unwanted know that the right not to be born is an important right in many cases. Until we can provide the right for children to be wanted we should not worry too much—we should not be so proud of supporting the right to be born.

● (4:50 p.m.)

Children who are moved around from place to place, children who are moved from one foster home to another, children who are never wanted and who never fit into things—there are the other kind too—are living examples of the fact that children ought to have the right to be wanted, loved, cared for and born into a home where they are wanted. So far as the doctor is concerned, this stand will give the doctor the right to do legally what his conscience prescribes. I am afraid that under the minister's bill many doctors, if they wish to follow their conscience, will in many cases still have to perform abortions illegally because there are some types of pregnancy whose termination is not provided for under the bill. If doctors are to be large-spirited and humane they will still have to conduct illegal abortions even under these amendments.

I believe that the approach of giving the doctor the right to decide in consultation with