

application of the impuned section 251. The vacuity in law, therefore, is not so much the absence of a valid abortion law as it is the absence of normative interpretation.

Honourable senators, I have found in Bill C-43, or what flows from Bill C-43, at least 14 flaws, which I can describe as major.

The first flaw is that the very faults of the former section 251 of the Criminal Code—the lack of sound direction provided by legislators and the resulting arbitrary application—also apply to the present Bill C-43. Furthermore, Bill C-43 will, more than the old section 251, be impotent in securing conviction of felonious abortionists and in defending the state's valid and pressing interests of the preborn children and their mothers.

Another flaw in Bill C-43 is that there is no reason why a woman may not obtain an abortion. The doctor who approves an abortion need only be of the opinion that the pregnancy is likely to threaten the pregnant woman's physical, mental or psychological health. Honourable senators, this is tantamount to abortion on demand.

Another flaw in Bill C-43 is that abortion will be legal throughout the whole pregnancy. Bill C-43 will permit, by law, the killing of a defenceless baby at any stage of pregnancy, even to the full term of that pregnancy. This bill, therefore, lays a foundation for infanticide. Babies who had been slated for abortion, but who came into the world prematurely, perhaps may be left to die under the pretense of treatment to do nothing; that is, by exposure, starvation, dehydration or asphyxiation.

Another flaw in Bill C-43 is that this bill will be powerless against the criminal abortionists. Once the deed is done, it is the word of that one doctor against the word of a plaintiff that it was not necessary. The strongest tort against abortion law is that it is an unnecessary deed. However, it is not a matter of how many doctors should collude in an abortion. Ten doctors saying to a healthy woman that she may abort her healthy baby is not health, nor is it justice. The point is that once a medical opinion is carried out, no one could bear the onus of proof of any felonious conspiracy. The star witness already is deceased.

The May 31, 1990, editorial in *The Vancouver Sun* objected to the hypocrisy in this bill that would force women to lie to doctors and doctors to evaluate those lies.

Another flaw in Bill C-43 is that abortion could be practised anywhere in Canada—on private property, without access to precisely those hospital services required for life-threatening emergencies and pregnancy complications and miscarriage. Furthermore, in Bill C-43 there is no minimum age for the young mother who seeks abortion. There is no requirement that she be informed about the developing life in her womb or the dangers, both physical and psychological, of abortion. Her parents need not be informed of her seeking an abortion. This flaw in Bill C-43 militates against recognizing abortion as anything like a crime. If it did not, then parents would be regarded as important deterrents.

[Senator Haidasz.]

Another flaw in this bill is that in treating abortion virtually as an entitlement lays down no grounds by which a health-care professional may object in conscience to participating in an abortion. Should prosecution be attempted of any medical authority, we are assured by the Minister of Justice that justice will not be done. How unfair and arbitrary.

Another flaw in Bill C-43 is that this bill would allow anyone to perform abortions. Nurses, technicians, interns, medical students, midwives—even relatives or the mother herself may perform an abortion under the direction of a physician. This is dangerous, honourable senators, for it invites mistakes and a lot of harm.

Furthermore, Bill C-43 provides no criminal basis for rejection of an abortifacient drug, such as the drug RU-486, which is a lethal abortifacient, manufactured by the Roussel Company of France. If that drug is allowed in Canada, once doctors are permitted to adjudge on abortion, mothers may attempt, as prescribed, an abortion at home at any stage in pregnancy and witness the stillbirth or miscarriage of her baby.

Another flaw is that, as federal law contained in the Criminal Code, Bill C-43 will make it difficult or impossible for provinces and communities to restrict abortions or refuse their funding.

Senator Frith: Is it Nova Scotia that will be testing that?

Senator Haidasz: Yesterday we heard on the news that the Supreme Court of the United States has ruled that states can restrict abortions in their own jurisdiction in certain cases.

Senator Frith: They have different criminal laws there.

Senator Haidasz: It is the same subject.

Senator Frith: The United States has law jurisdiction rather than federal.

Senator Haidasz: Another flaw in Bill C-43 is that as criminal law it would federally enforce abortion as a virtual right. This is a corrupt misuse of criminal law.

Another flaw in Bill C-43 is that it will deter pro-life counsellors from decreasing cases of abortion if they want to counsel anyone that comes to them in a state of pregnancy. Women who succumb to pressure from interest groups have suffered unabating regret and post-abortion trauma. However, because pro-life counsellors are unsupported, even jailed, pregnant women have very little help in coping with the trauma and grieving, which is known to lead to repeat abortions and even suicide.

● (1810)

In the U.S.A. over 13,000 cases of the post-abortion syndrome were identified in the year 1987. Honourable senators, that is another flaw—No. 13. Passing Bill C-43 will cause deep, social unrest. As you know, neither the pro-life forces nor the pro-choice forces accept Bill C-43. As a law, Bill C-43 will aid and abet abortion, which natural law abhors. The peaceable struggle against this unbearable felony will be forced on to the streets, jailing good citizens as prisoners of conscience.