

agencies, who, even though they realize the law is being violated every day, feel it inappropriate that a public body should be engaged in the violation of the law.

Because of the wholesale violation of this section of the Code, apart altogether from whatever views one may have with regard to morality or immorality of contraception, apart altogether from that, it is essential that the section should be repealed. It is bad jurisprudence to permit sections to remain in the Criminal Code which are not being enforced. When one law is violated in a wholesale fashion there is a tendency for other laws to be violated. I suggest to the committee that basically, apart altogether from your views on the desirability or otherwise, contraceptive information and devices being available, this section in any event should be repealed as it is not being enforced, and cannot be enforced. It merely brings the law into disrepute to have it on the statute books. Furthermore, it is important that it should be done quite promptly.

● (11:30 a.m.)

Many of us have read of the inquest into the death of a woman in Georgetown in November of last year. The jury which investigated the death found that it had been self inflicted while the woman was attempting to commit an abortion on herself. This is not an isolated case. It is estimated that there are 50 or 60 cases of death or serious injury each year in Metropolitan Toronto alone from illegal abortions. Admittedly, figures are almost impossible to arrive at, but it is estimated that there are about 100,000 illegal abortions—and I am not getting back to the first section of my bill, Mr. Chairman. The relevance of this will appear later. There are about 100,000 illegal abortions a year in Canada. This may be somewhat surprising when it is estimated that about 65 per cent of these abortions are performed on married women who wish to limit the size of their families. If there are 100,000 illegal abortions a year in Canada, one can imagine how many hundreds of thousands of cases there are of women who are, in effect, being forced against their will to have children, which perhaps in circumstances may endanger their health, or there may be a case where the family is already so large that it is a real hardship for that family to be burdened by additional children.

Mr. Chairman, it seems to me to be rather elementary it is almost a basic right of a woman not to be forced to become pregnant or to bear a child against her will. Therefore, this second clause of the bill will make it entirely clear that it is legal to distribute information and devices to prevent conception. I believe it will permit the establishment of clinics by public authorities which will, I am sure, serve an extremely useful social purpose.

It seems to me, Mr. Chairman, that the use of contraceptives is a matter that should be left to the individual conscience, and perhaps to ecclesiastical or moral law, but it is not an appropriate subject for legislation. It is certainly not an appropriate subject to be dealt with in the sections of the Criminal Code which basically relate to indecency. The provision is completely out of place in this context, and I would urge members of the committee after complete investigation, of course, to make strong recommendations to the government that the section relating to contraception should be repealed. Thank you.

The CHAIRMAN: Before we leave that, Mr. Wahn, I wonder, since you have referred to something that has happened in my own riding, whether you would