

*Criminal Code*

words, the fact that her health is in danger can be a reason for a legal abortion. This is very good as far as it goes. There are those in this house and in this country who consider that this amendment goes dangerously far. I know this because I was on the committee. There was a great deal of argument as to the meaning of the word "health". These amendments are important but they are scarcely world-shaking.

At this point I would like to commend the hon. member for Hull (Mr. Isabelle) on his excellent speech last Friday. He is the chairman of the Standing Committee on Health, Welfare and Social Affairs. There is no one in a better position to know the scope of the abortion discussion which goes back many years. The hon. member's speech was excellent, surveying as it did not only what the word "health" denotes but the whole history of thinking and legislation in regard to abortion.

I have heard discussion in this house as to why the word "health" in this amendment is not defined, that we do not know what is meant by the word "health".

I think the best definition of the word "health" is the one by the World Health Organization which states that it is:

A state of complete physical, mental, emotional and social well-being—

I think that is how the word "health" should be defined in this legislation and I wish it would mean just that. Before I conclude I will give the Minister of Justice my recipe for making it mean just that. Measured by this yardstick, the amendments now before us fall short in the following respects.

• (4:40 p.m.)

First of all, they make no provision to terminate a pregnancy where it is practically certain that a deformed child will be born. To put it bluntly, I think it is a crime that we have a law which says it is illegal for a physician to perform an abortion even though he knows there is grave danger of a deformed child being born. I do not believe that such an abortion ought to be illegal. Mind you, even in this case I believe that the pregnant woman or the parents ought to have the right to decide. I think a doctor has the right to lay before the woman the consequences of the continuation of her pregnancy and then ask her: "Do you want an abortion or don't you?" I think the woman has the right to decide, and I want to add that in my opinion a great

many women faced with the decision of giving birth to and bringing up gravely deformed children would make their decision in favour of healthy life instead of deformity. I believe most women would do that. But this legislation makes no provision for a situation of that kind.

Neither does the legislation make provision to terminate a pregnancy that has been caused by rape or incest. I think this is the logical place to insert a provision making legal the termination of a pregnancy that is the result of rape or incest. I ask hon. members to consider the feelings of those two young girls, recently raped in Toronto by a gang of hoodlums, should either of them prove to be pregnant as a result of that experience. I ask hon. members to consider the feelings and the future of those two girls and to understand how strongly a great many women feel about the necessity of legislation to cover situations of that type.

In such cases these young fellows are sentenced to jail for a few months. But the girl gets life—the ruin of her whole life—as the result of an action of which she is almost always, if not always guiltless. Hon. members may say that a girl should not be consorting with such people, but these little girls in the case about which I am speaking came from the country. They had no concept of what could happen in big cities, of what in fact happened to them.

The proposed amendments do not touch the situation where a mother becomes pregnant accidentally. I am speaking of a woman who is already the mother of a very large family, who has not got adequate means or the prospect of adequate means to look after her family, to feed, clothe, shelter, and above all, educate her children, and where the addition of one more child will endanger the situation of the children already existing.

If we are bringing the Criminal Code up to date on abortion I think it should include at least the equivalent of the British social clause which provides that where the birth of another child will put the family of the pregnant woman in jeopardy, her existing family, it shall be legal to perform an abortion. I believe this legislation should include that option because I believe it is wrong, the way the world is today, to bring a child into it if that child will jeopardize the mother's future and the future of existing children, to say nothing of its own.