

Criminal Code

things. There is the question of the drafting of the words, and there is the question of medical judgment. I admit that there is no such thing as a medical judgment that is certain, which is the reason I have to reject the amendment.

Mr. Rynard: The point I am making concerns the drafting of the words that would be legally applied. A doctor could not be certain. He could use the best judgment and the best equipment that is available, and we do have great diagnostic equipment today. All who practice medicine have seen people get better who they felt would not get better. On the other hand, they have seen people die who they felt should not have died. There is always the unexpected, though this does not happen very often. I was very glad to hear the minister admit that there is a problem here and that he will look into it. There will be more objections if the matter is not corrected and made very plain to the house.

[Translation]

Mr. Ovide Laflamme (Montmorency): Mr. Speaker, I should like to put a question to the Minister of Justice.

I ask him to clarify the French and the English versions, since there is apparently a strong tendency to stick to the English version, which says:

Would or would be likely to—

I wonder whether it would not be desirable, in order to simplify both versions, to come back to the original version which read as follows:

—likely to endanger her life or her health—

This is the question I put to the minister.

As long as that has not been clarified, I will be inclined to support the motion of the hon. member of Gatineau (Mr. Clermont) because I cannot see how the words “would” and “would be likely to” can be reconciled in the same text, as those are two contradictory terms.

Some hon. Members: Hear, hear.

● (5:00 p.m.)

Mr. Romuald Rodrigue (Beauce): I endorse the remarks of the hon. member for Montmorency (Mr. Laflamme) regarding the words “or would be likely”. Sub-paragraph (c) of paragraph (4) reads as follows:

c) has by certificate in writing stated that in its opinion the continuation of the pregnancy of such

female person would or would be likely to endanger her life or health;

Of course, I also agree with the member for Gatineau (Mr. Clermont) when he says that he finds it hard to understand the grouping of these words. Not only did I have difficulty to understand this phrase but, it is somewhat difficult for me to understand the whole paragraph 4(c). It should be entirely rewritten. I feel that if we deleted the words “would be likely” the meaning would be more precise and would also prevent different interpretations either on the part of doctors, or on the part of the person who is seeking an abortion. Moreover, it would perhaps avoid litigations.

I also share the opinion expressed by Dr. Légaré when he appeared before the committee of justice and legal affairs. He was answering a question put by the member for Calgary-North (Mr. Woolliams). This is what he said:

In fact, this is why it is so difficult to legislate. When legislators have in all good faith drawn up a legislation, you may be sure that someone will come and try to find faults in the text. It is quite possible that such is the case. In fact, the difficulty for the legislator is to draw up legislation whose text is well-structured in order to prevent abuses in one way or another. This is not impossible however. We can always try but I do not know whether it will be a success from a legal viewpoint. I am not acquainted with that field.

Abortion is a rather serious surgical operation. According to Dr. Cairns, who appeared in Ottawa on December 14, 1967 before a parliamentary committee responsible for studying the question of abortion, therapeutic abortion performed under the best possible circumstances, as it is done in Denmark and in Sweden has a death rate ten times higher than deliveries attended by obstetricians.

In a Toronto hospital where 250 abortions have been performed in the last 12 years, the rate of complications is 9 per cent.

This means that errors of judgment are possible. Some decisions must be made and the wording should be clarified further in order to avoid errors that would naturally be imputed to a doctor or to an abortion committee that might have been established.

Many scientific discoveries have been made. The risks of error are much slighter, since the number of cases where therapeutic abortion would be needed is reported to be