

Criminal Code

The Acting Speaker (Mrs. Champagne): It is with deep regret that I must interrupt the Hon. Minister.

It being 5 p.m. the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS--PUBLIC BILLS

[English]

CRIMINAL CODE

MEASURE TO AMEND

Mr. John Reimer (Kitchener) moved that Bill C-216, an Act to amend the Criminal Code (abortion), be read the second time and referred to a legislative committee.

He said: Madam Speaker, the central issue of my Bill, Bill C-216, is the following. Is a foetus a potential life or a life with potential? If it is a life with potential, then we must protect that life with the full weight of the law.

My assumption in saying this is that we can only then take that life if the fact of the pregnancy will, according to a therapeutic abortion committee, endanger the life of the mother by the continuation of that pregnancy to term. In this case the rationale for taking the unborn person's life is self-defence, to protect the life of the mother.

Further, this Bill would not allow abortions for reasons of health. My rationale here is that one simply cannot take a life on grounds of physical, social or mental health unless there is a demonstrable and direct threat to the mother's life *per se*.

The World Health Organization has defined the word "health" as follows:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

That is exactly where much of the problem in this abortion debate begins.

In 1969, the then Minister of Justice, who is now the Right Hon. Leader of the Opposition (Mr. Turner), introduced the present law on abortion. In defending the wording of our present law he stated as reported at page 8398 of *Hansard*:

The word "endanger" —imparts or connotes the elements of hazard, peril or risk... It appears to us that the elements of seriousness, directness and impairment are all present when a person's health is said to be in danger. The word "danger" in itself implies the existence of direct peril or risk.

However, if we look at abortion rates since 1969 we have to ask some serious questions. In 1985, there were 60,956 abortions. Does that mean that all of these mothers were in real "hazard, peril or risk" to their lives or health?

Why is it that today, with all our modern advanced medical knowledge and technology, so many mothers are in such real danger to life or health while pregnant? I think that part of the answer can be found in what the present Right Hon. Leader of

the Opposition said in 1969. At that time he was the Minister of Justice. He said the following:

—there are those on the one hand who abhor abortion for any cause. There are those on the other hand who would make abortion wholly permissive or at the personal option of the woman. We have not reached a consensus between those views. We have reached only what I call an accommodation.

There is the rub. The present law is an accommodation to allow those who want abortions, for whatever reasons, to obtain them. Of course those who are opposed to abortions will obviously not seek them.

There can be no accommodation between life and not-life. Either one believes that the unborn child in his mother's womb is a human being and one protects it, or one does not believe it is a human being and one aborts it at will.

When I was a board member at the Kitchener-Waterloo Hospital we conducted an in-depth study of abortions at the hospital. We found that there were 66 combinations of various interpretations of the word "health" that were used to approve abortions. The 66 ranged from history of post-partum reactions, to interruption of education, to failure of contraception or failure of sterilization. I ask Hon. Members: What have those got to do with health?

Responsibility for this state of affairs cannot entirely be laid at the feet of the doctors, nurses or the hospital therapeutic abortion committees—although they do bear some complicity given their medical knowledge as to the nature of the procedure being performed. Rather, I would suggest that the primary culprit is the law itself. The real question in the abortion debate is whether or not we are dealing with a human life and the need for our abortion laws to conform accordingly.

If we are talking about a human life, then we must protect that life, since a life cannot be taken except in self-defence. However, if we are not dealing with a human life but rather with a piece of tissue, then we should take abortion out of the Criminal Code and treat the foetus in the same way we do infected tonsils or appendices.

Let us not hear ridiculous arguments in this debate today such as the unavailability of access, socio-economic disadvantage, freedom of choice and so on. One does not kill people for reasons such as these. The only way in which such arguments can have validity is if those arguments and those arguing in their favour are prepared to claim that the foetus is just a piece of worthless tissue and that therefore abortion should be taken out of the Criminal Code. At least then there would be some measure of honesty and some consistency to this debate instead of the hypocritical games that are usually played when this topic is raised in the House.

I am convinced that from conception to birth we are dealing with the life of a new human being. Surely, when we speak of abortion we are talking about two lives—the life of the mother and the life of the child. Why else would we call a pregnant woman a mother?

Further, when we look at the medical, scientific and legal facts surrounding abortion the evidence is overwhelmingly on