

Criminal Code

services to help people understand their own physiology, their own bodies, and what contraception is all about.

I can get into a heavy theological debate about when life begins. I think we all know that at the connection of two cells, whether vegetable, animal, or human, the potential for life is there. However, we also know that there is absolutely no dogma which sets out when human life begins.

One hundred years ago the Catholic church said that it was okay to abort a male baby after 40 days, but a female baby after 80 days. That shows how long we have been struggling with this. We have also struggled over the years with how many angels would fit on the head of a pin. However, the real issue is to reduce the number of abortions in our society. That is the one thread of consistency that I have heard in this House. We then ask how we are going to do that.

Please, Mr. Speaker, do not allow us to take the attitude and approach that we are going to do that by penalizing the victim as is so often done. That is being done within a patriarchal society. There was only one woman in this House in 1969 when that first law was passed. It was not a good law. I think everyone agrees with that. It was only the beginning of trying to ensure that there were good medical procedures in place. The Supreme Court has said that the committees did not make any sense. In practice they made no sense. I saw how they worked and they were totally nonsensical.

If Members of Parliament really want to build a compassionate, loving society, they have to start treating men and women with dignity, with a sense of a quality of life that is important. They must say that children in total are important and valuable to us and put services in place which count.

That is how we can reduce the number of abortions. That is how women can start to feel that they are not being looked down on by males as a result of some of the dreadful expressions which are being directed at them. I ask the people who are supporting this kind of law to consider what kind of value they are supporting.

[*Translation*]

Mr. Edouard Desrosiers (Hochelaga—Maisonneuve): Mr. Speaker, Bill C-261, introduced by the Hon. Member, deals with a very important and delicate subject. I cannot say I have no views on abortion. In fact, like so many fellow citizens, I was led by recent events such as the Morgentaler trial to think about the abortion issue. All Canadians know what my feelings are and what my position is, Mr. Speaker. I am not against anything. I am not against abortion. I am for the right to life.

Not long ago, on the Plains of Abraham, where a number of Members were invited to attend a meeting but many were afraid to go and talk to the thousands of people who organized this assembly... Mr. Speaker, since I am not afraid to say what I think, I told them I was not a fence sitter like most Members who are reluctant to get involved. It's a difficult issue politically, and sometimes they would rather not hurt the feelings of some of their constituents.

Mr. Speaker, there is a morality to the way we live, I think we all should be concerned about that morality. I come from a family of fifteen children, and I have said this before, and I will say it again: There were fifteen children at home and I can assure you that if my mother had decided to have an abortion, you would not have the honour and the pleasure to see me in this Chamber today.

Mr. Speaker, I would like to remind the House that Section 251 of the Criminal Code prohibits anyone from procuring a miscarriage. In fact, section 251 is very specific—listen to this "... to procure the miscarriage of a female person". As far as I know, I never heard of a male person having or getting an abortion. But it's all there in Section 251, Mr. Speaker. It does sound rather bizarre, but what can you do?

The section provided for one exception, when the abortion is carried out by a qualified medical practitioner, other than a member of a therapeutic abortion committee from any hospital, in a hospital accredited by the Canadian Council on Hospital Accreditation, or in a hospital approved for the purposes of Section 251 by the Minister of Health of that province.

The hospital's therapeutic abortion committee had to consist of at least three members, all of whom are qualified medical practitioners, appointed by the hospital to examine and decide on requests for termination of pregnancy.

The majority of the members of the therapeutic abortion committee, at a meeting of the committee at which the case was examined, was to state by certificate, in writing, that in its opinion the continuation of the pregnancy would or would be likely to endanger the life or health of the woman. We must remember that "health" meant both the physical and mental health of the woman. The therapeutic abortion committee had to submit a copy of the certificate to the qualified physician performing this abortion.

As you see, Mr. Speaker, in the Morgentaler case, the main question before the Supreme Court of Canada was whether the provisions of the Criminal Code relating to abortion, namely Section 251, infringed on the right to life and liberty and security of the person except in conformity with the principles of fundamental justice.

The three judges who rendered the majority decision agreed that Section 251 infringed on security of the person and violated the principles of fundamental justice under Section 7 of the Canadian Charter of Rights and Freedoms and could not be safeguarded within the reasonable limits specified in Section 1 of the Charter.

Furthermore, Mr. Speaker, the judges in the majority agreed that the expression "security of the person" found in Section 7 of the Charter includes both security and physical and mental health.

So, Mr. Speaker, you will see that the Bill proposed by our distinguished colleague not only seeks to change a law that no