

Right of Life

therefore that abortion is not only forbidden, but also subject to very severe penalties under the Criminal Code.

However, two points must be made. First, the famous therapeutic abortion committees for which special legislation was passed a few years ago are now granting, especially in Quebec, an unbelievably high proportion of authorizations.

Archbishop Fortier of the Sherbrooke diocese told me recently that, of 600 requests, a mere ten or so did not end with an abortion, either because the abortion request was withdrawn, because the women involved decided not to have the abortion, or because, in two cases, the therapeutic abortion committees rejected the request. It is therefore obvious that therapeutic abortion committees in Quebec are not examining carefully every request for abortion and are in fact granting abortion on demand.

I believe that this is not in accordance with our laws. In addition, Madam Speaker, Hon. Members will know that many people have tried to bring criminal charges against doctors who practice abortions openly without going through therapeutic abortion committees or, if they do, without applying the spirit and the letter of the law. We are still waiting for the rulings in the case of *Regina versus Morgentaler, Smoling and Scott*, for instance. The Supreme Court will perhaps say that, even though Dr. Morgentaler was acquitted several times, the law does not seem to have been respected and another trial is required.

You are indicating, Madam Speaker, that my time has expired. Four minutes is not very long for such an important subject as this one. But I am certain that the House will use the four hours of debate remaining to examine this issue very carefully.

● (1700)

[English]

Mr. Cyril Keeper (Winnipeg North Centre): Madam Speaker, the question before us today is one which has to be addressed. It is not a question that I can say I am pleased to speak to because it is not the kind of thing that brings pleasure to the debate, but it is a question that needs to be addressed and faced. The motion of the Hon. Member is on the question of whether abortion should fall within the purview of the Constitution. In other words, should women in Canada have access to therapeutic abortion as a constitutional right? Should the provinces and the federal Government get together and determine whether the availability of therapeutic abortions will be put in the Constitution?

First, let me question that notion. Why should we turn over such an important moral and medical matter to the courts? In a matter that so divides the country and our communities, a matter on which individuals must reflect, surely it is better handled in public policy, in legislation, so that we can see how it works, to what extent it works and to what extent it does not

serve a public purpose. Legislation is much more readily amended than matters of constitutional import.

The resolution of the Hon. Member fails on the basis that it calls upon us to deal with this matter as a constitutional one. We know that legislative matters are at times difficult to get before the House and difficult to get amended. The present law concerning therapeutic abortion has been on the books for a number of years. Obviously there are people of differing views calling for an amendment to this legislation, but federal governments have backed away from facing up to this question and have chosen not to address it in the House. In fact the Government of the Hon. Member who proposed the motion has chosen not to.

While it is difficult to get legislation amended at times, it is even more difficult to amend constitutional matters, and for that reason I do not believe this should be a matter for the Constitution. For a matter of such deep concern to individuals, it makes more sense that it be a matter of legislation or public policy. If we were to debate and amend the existing law and live with it for a number of years, we could see how it worked and we could have the flexibility to change it if required.

I have a few words to say about the present law, Madam Speaker. The way the law reads presently, a woman who requires a therapeutic abortion must go before a committee of medical doctors. The committee decides whether or not she may have access to this medical procedure. The application of this law is unequal. It is not applied in the same way all over Canada nor is it applied in the same way for women of various income levels. There are inequities in the application of the law let alone the fundamental premises underlying it.

● (1710)

People who live in remote northern communities have less access to hospitals with therapeutic abortion committees and therefore fewer opportunities to apply for this medical procedure. Those who live in cities like Winnipeg have access to major hospitals with committees. A woman faced with the difficult decision of whether or not to have the procedure who lives in Winnipeg could have access to the law whereas a woman living in a remote part of northern Manitoba where there is no large hospital would not have the same access.

Women living below the poverty line cannot afford transportation from, say, Winnipeg to Minneapolis and have less access to this medical procedure than a woman with a middle or upper middle-class income who can afford to take a trip to the United States, spend a few days there, have the procedure and then return. The application of this law is unfair, by virtue of both income and location.

I would also like to discuss the matter of who should decide whether or not a woman should have a therapeutic abortion. Should this decision be made by a committee of doctors or should it be made by the individual who is in fact asking for this procedure? It seems to me that the making of this very difficult decision is better suited to an individual who may be