

Criminal Code

According to Dr. Nikki Colodny, who performs therapeutic abortions at the Morgentaler Clinic in Toronto, Canadian abortion laws themselves are criminal because they establish a medical delivery system of abortion services which is unnecessarily dangerous and institutionalizes unsafe medical practices. It is women who continue to suffer as a result of this unjust law. The Bill before the House now, by further limiting access to safe therapeutic abortions, simply sanctions unsafe medical practices.

Because of the lack of reasonable access to abortion under the present therapeutic abortion committee system, Canadian women are forced to wait an average of eight weeks between their first appointment and the performance of their abortion. As a result of these delays, Canada has the second highest rate of mid-trimester abortions of all the industrialized nations. By requiring that the fetus be represented by counsel at the therapeutic abortion committee hearing, as proposed by the Hon. Member's Bill, there would simply be further delays, and this would contribute to an even higher rate of mid-trimester abortions and further complications to the woman involved.

Let me point out that therapeutic abortion committees represent the only instance, outside of dealing with mentally incompetent individuals, where a person has three doctors who have never met her, and are not chosen by her, reviewing her private medical records and passing judgment on her health care needs. These doctors are also being asked to make a medical decision about women with whom they have no professional relationship whatsoever. By further complicating and prolonging the already unwieldy and unworkable therapeutic abortion committee process, the Bill before the House would legitimize a system which in effect treats women as somehow mentally incompetent and asks doctors to perform functions for which they have not been properly trained.

As a member of the Subcommittee on Equality Rights of the Standing Committee on Justice and Legal Affairs, I had the opportunity to hear extensive testimony from across Canada on the provisions of the Criminal Code dealing with abortion. In my view, the present Criminal Code provisions governing abortion are one of the most glaring examples of discrimination against women under Section 15 of the Charter of Rights and Freedoms. The Code provisions discriminate against women by singling out a particular medical procedure for regulation, which, of course, happens to be carried out on women alone.

The Code provisions are also unequal in their geographic applications, due to discrepancies in hospital policies and procedures. For example, we heard that there were no therapeutic abortion committees in Prince Edward Island. Similarly, women in rural areas or communities in which no therapeutic abortion committees have been set up must travel to other parts of Canada or, in some cases, to the United States to obtain access to abortions. This Bill, which would further restrict a

woman's right to choose, makes a mockery of sexual and economic equality in Canada.

The fact is that the purpose of this Bill is to make abortions illegal. In countries where abortions are illegal, women continue to need and obtain abortions. A further limitation on Canadian women's access to this procedure, therefore, is unlikely to result in a decrease in the number of abortions performed. It will only result in a decrease in the number of safe legal abortions. Any additional limitation on a woman's right to choose, such as that contained in the Bill before the House, would simply assist in recreating the pre-1969 scenario when abortions were completely illegal and women had to resort to back room abortionists. If further laws limiting women's access to abortion are passed in Canada, more and more Canadian women will suffer from the effect of these back room abortions or, indeed, self-induced abortions by desperate women.

I do not question the goal, which I am sure all Members of the House share, to try to reduce and limit the number of abortions performed in Canada. However, I do not believe that additional prohibitions in the Criminal Code will achieve this end. For this reason amongst others, I emphasize that the policy of the New Democratic Party calls for decriminalization of abortion and the repeal of these provisions from the Criminal Code.

If the Government and the Hon. Member were serious about limiting the number of abortions, they would support positive preventive schemes rather than unrealistic, unworkable, and punitive Criminal Code prohibitions. Constructive measures which could be taken include financial support for family planning and counselling agencies such as Planned Parenthood, conducting research into safer and more effective birth control, introduction of sex education into schools, provision of more information on birth control to young people generally and greater financial and related support services for poor families and single parents.

The Government and this Bill does nothing constructive in the area of family planning. We in the New Democratic Party support the objectives of the Planned Parenthood Federation of Canada in taking steps to reduce the number of unwanted pregnancies. Certainly we will continue to resist legislation such as this which attacks the fundamental freedom of choice of Canadian women.

[*Translation*]

Mr. Michel Champagne (Champlain): Mr. Speaker, I welcome this opportunity to express my views on the Bill presented by the Hon. Member for Cape Breton Highlands—Canso (Mr. O'Neil). The purpose of the Bill before the House is to have every unborn child represented before the therapeutic abortion committee by State-appointed counsel who would be responsible for upholding the provisions of the Criminal Code. Such a measure would radically change the present system.