

*Criminal Code*

there has been neither progress nor regress; it seems that the *status quo* is to be maintained. Some of the members in this house want to leave things as they are.

Still, it should be noted that although the original text of section 317 of the French penal code did not contain any provision on therapeutic abortion, a text was introduced in 1939 which reads as follows:

When the life of the mother is seriously threatened and demands recourse to such therapy as might interrupt the pregnancy, the doctor in attendance must of necessity consult two of the doctors... who, after examination and discussion, will attest that the life of the mother can only be saved by means of such intervention—

That provision has been in force in France since 1939.

In spite of this, illegal abortions are still widespread in France. That is nothing new. However, public support seems to favour more liberal laws on abortion, although it has failed to alter the official position which still advocates restrictive laws and their strict application.

Germany substantially amended section 218, initially enacted by the 1871 Imperial Decrees of Germany which carried capital punishment for those involved in illegal abortion. The whole of that Imperial legislation was gradually amended, and with the emergence of Hitler and the Nazi party in 1933, the penalties for abortion were made extremely harsh to the extent of providing for capital punishment in 1943 if the guilty party "had continuously"—and pay attention to this—weakened the vigour of the German race. It was a matter of eugenics, and the Nazi system would not allow abortion except for therapeutic reasons, which was for the first time legally recognized in Germany. And those new reasons were limited to the safeguard of the mother's life or health, and to reasons of eugenics which the new courts had to apply in connection with the "hereditary health".

One can see that almost everywhere in the world, legislation such as the bill before us has been enacted long before we are asked to do so. This bill takes into account the circumstances of our Canadian society and it does not include reasons of eugenics or merely social and economic reasons as is the case in England.

At the end of the war, the Control Commission legislation replaced the German Criminal Code, and capital punishment was abolished, while the therapeutic abortion was retained.

But except for those changes, the general provisions of the 1926 legislation, as I said earlier, were restored.

We may say that theoretically Switzerland also has its legislation on abortion. It is considered a criminal offence involving a prison term. However section 120 of the Criminal Code allows therapeutic abortion when it is necessary to save the life of the mother or when her health is threatened. But for the last 15 years the number of abortion legally induced on women, Swiss or foreign (mainly French women), seems to have increased considerably owing to the large number of women coming from foreign countries and to the abuses resulting from that situation, in certain hospitals and clinics in Switzerland. For a few years there has been a tendency to give a very narrow interpretation of the legislation particularly of the section relating to the danger for the woman's health.

In the Soviet Union, let us say that the history of legalized abortion has been marked by two sudden changes of attitude by the government. Around 1936, Russian doctors began to denounce some undesirable secondary effects of abortions. Therefore, the Russian government reversed its stand on two occasions. Nowadays, this is rather fantastic. While abortions, even for therapeutic reasons, were prohibited and all grounds for abortion were restricted, divorces became more and more difficult to obtain. Under Stalin, as we all know, it was sought to increase the population. All remaining laws were then abolished.

However, it is interesting to note that twenty years later, in November 1955, the Soviet Union, following a further change in attitude, established for the second time an extensive program of legal abortions. But we are told that such operations are still being frowned upon.

Sweden, the promoter of several experiences in the field of social reform, was in 1938 the first Scandinavian country to pass a legislation on abortion, the liberal provisions of which took up most of the recommendations made in 1935.

It is needless to refer also to the legislation in Japan which is too vague. It is especially based on eugenics.

Mr. Speaker, I have tried to give a general outline of the history of abortion throughout the world. I did so for the following reason: Every country in the world has sooner or later in its history passed some pieces of