

tected right to life. In that case, legal protection for the unborn would not simply be allowed; it would be required. In short, the Supreme Court judges have allowed themselves the right to agree with Mr. Borowski. By doing so, they have also allowed Parliament room to provide full legal protection to unborn children.

Furthermore, the judges spoke of the fact that restrictions on abortion are an infringement of the security of the person of women. What was also said, but is seldom quoted, is that the finding of an infringement of security of the person does not, of itself, render a law in conflict with the Charter of Rights. As the Chief Justice said:

Such a finding does not end the section 7 inquiry.

The Chief Justice was referring to the fact that a law is only invalid if it infringes the security of the person, and if that infringement takes place outside the principles of fundamental justice.

As you will recall, section 7, the section of the Charter under which the old abortion law was found to be invalid, states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

This phrase "in accordance with the principles of fundamental justice" keeps alive the right of Parliament to protect human beings in the womb.

Many of our laws impose hardship on certain individuals, and many of our laws infringe the security of the person of many people. The mere fact that a law abridges the right to security of the person does not, of itself, render a law invalid under the Charter of Rights. Consider that every law which imposes a jail term infringes the liberty and security of the person of those who are sent to jail. Yet our courts have no problem upholding such a law as valid under the Charter.

In order for a law to be invalid, it must not only abridge one's security of the person; it must also conflict with the principles of fundamental justice. Thus, there is a two-part test in determining the constitutionality of any abortion law.

I believe this indicates the way in which a law protecting all unborn children can be held as valid by the Supreme Court of Canada. It is in accordance with the principles of fundamental justice that the rights of some be restricted in order to protect the lives of other human beings. The Criminal Code outlaws murder. That law certainly restricts the liberty and security of certain persons, such as those who live with and care for infirm relatives, and whose lot would be improved if they could end the life of that person. Yet murder laws are certainly valid under the Charter, and I think the reason is simple: It is in accordance with the principles of fundamental justice to protect human life, even though doing so may impose hardships on other individuals.

Similarly, we today have enough knowledge and we have the power and responsibility to decide when the life of a human being begins and to ensure that from that moment on our laws give that human being full protection.

Now let us look at the scientific evidence. I believe we must consider what modern science tells us about the nature of life in the womb, and we must ensure that our laws are consistent with the findings of medical science. It is a scientific fact that from conception a zygote is a unique human individual with an identity and life distinct from that of either of its parents. In its genetic code it has all the information that it needs for the production of a complete and mature human being. All it needs to do is to continue developing. The zygote is real life. It is actual life. It is human life. Of course it possesses potential, as does the new-born baby and as does any person until one reaches the termination of one's life. So I believe that one should never speak about the unborn as potential life but as life which has potential.

● (1440)

The rapidly developing science of fetology continually reveals to us new things about the unborn baby, even in the first hours after conception. As Sir William Liley, a professor of perinatal medicine and World Health Organization consultant for maternal health and child health testified at the Borowski trial in May 1983, "New knowledge was revealed about the unborn baby even in the first hours after fertilization." I would like to say more about this matter later in my speech this afternoon.

But now I want to make this statement: I believe that abortion is the taking of human life. If that is so, how can it be justified? Some people argue that many women must choose between abortion and carrying a child and living in poverty. Well, efforts urging extensive programs of social action to reduce poverty are to be applauded and supported, but still the basic fact remains that we do not allow people to kill those dependent on them because they are living in poverty or for any other circumstantial reason.

I think you would all agree with me that respect for human life is fundamental to our society. We insist that all human beings possess an intrinsic dignity and a basic right to existence. Such a right is not negotiable and it is not to be qualified. It is not to be affected by public opinion polls or anything of the sort. Canadians will not and cannot justify killing the handicapped, the infirm, the mentally deficient or people of a particular race, colour or creed. Canadians will not withdraw their protection from any class or category of human beings. We refuse to consider killing the elderly because they are old and weak. For this very same reason we must not regard life as optionable at the other end of the spectrum, the beginning of life. We have rejected capital punishment in our society. We, therefore, cannot possibly justify taking the lives of the most innocent and the most vulnerable of human beings.

Some people are willing to allow abortion for so-called "serious therapeutic reasons." Well, there are no therapeutic reasons for abortion, and that point is held by medical specialists. An abortion is not therapeutic for the mother and it certainly is not therapeutic for the baby. The day when the child in the womb could be regarded as an antagonist of the mother is long past, even though the Justices of the Supreme Court make reference to a woman's access to medical treat-