

*Criminal Code*

bill was to ratify, with the assent of both houses, a situation that courts had been accepting for several years, and to ensure some measure of protection against criminal proceedings taken against members of the medical profession who were responsible for performing such operations.

The bill does not extend the grounds upon which a pregnant woman may resort to abortion, but an interesting point is that it takes up again generally the Canadian Medical Association's recommendation, especially with respect to the conditions under which abortions must be performed.

Interruption of pregnancy under circumstances outlined in Bill No. C-150 was also included in the recommendation of the report submitted to the Board of Directors of the Ontario Medical Association by its therapeutic abortion committee, which was approved by the Board thereafter. It should be said however that this bill is not binding yet, that the matter is under consideration, and that it will be taken up again by the committee.

In the United States, between one million or one million and a half women are aborted every year, but only 8,000 would be eligible for legal abortion. About 5,000 women die every year as a result of illegal abortions.

But still more astonishing is the fact that 80 per cent of women applying for abortion are married women who have children and are still living with their husband.

According to a recent survey made in the United States, 71 per cent of the women wanted to see the law changed, that is, they were in favor of therapeutic abortion in some very specific cases. I shall not go into the details of penalties for illegal abortion in the United States. Suffice it to say that the law, in the State of New York, for instance—which is one of our neighbour states—is somewhat similar to ours.

As for the mental health of the mother, it is clear that the law will take it into account. However, in the United States and in Canada, the judgments passed on different cases have caused doctors to believe that sexual crimes—rape and incest—the victims of which are young girls, can provoke mental illnesses that would justify abortion.

Here again, it is not for me to go into the details, since it is a very complex subject which would require too many explanations. Let us say, however, that psychiatric causes have become more and more important in this field, at least during the last years, and

[Mr. Isabelle.]

that, in the United States at least, closer consultations between surgeons, doctors and psychiatrists seem to be the thing. That is why, in many cases, a doctor will make an operation with the advice of one of these doctors.

In any case, it seems that in the United States an important change of attitude is being felt and becomes more and more obvious in relation to this famous problem of abortion.

In England—we have often copied closely British laws—a bill was adopted on the 27th of October, 1967, and came into effect six months later. However, I must say that for us, Canadians, the bill on abortion that was adopted in England would be unacceptable.

In England, I believe, the penalty for such a crime was one of the harshest in the world. With this new legislation, however, Albion is going to be the most liberal of all countries, where abortion is concerned. Abortion can be granted for almost any purpose including cramped lodgings, poverty, inadequate salary, high salary, etc. that is the way the cookie crumbles nowadays in England. Good grief!

In France, the punishments inflicted for criminal abortion make a very long story. In the days of the galant Charlemagne, abortion was punished by death if the foetus had started moving. As you may observe, the same basic principle applies: when the foetus moved, the sentence was death; when the foetus was inanimate—the soul having not yet entered the body—the sentence was much more lenient.

● (3:50 p.m.)

Let us add—surely that will be remembered—that under the Vichy regime, even in the 20th Century, the death penalty was imposed on professional abortionists. Abortions were put on the same footing as sabotage and treason.

The law now in force in France is enunciated in section 317 of their penal code, and it reflects in substance an old article of that Napoleonic Code of 1810, which imposed imprisonment and hard labour as well on the woman as on the abortionist. That act was amended in 1864 to provide that, where an attempted abortion failed, neither the woman nor the agent who had obtained the instruments would be penalized. In 1920, new amendments were made and the words "for the sale" or "the putting on sale" of abortion drugs or instruments, even if they were not used or did not succeed, were added. The laws have become so awkward that today, in France, conservatism prevails in that field;