

*Criminal Code*

therapeutic abortions. This is not a probable, a hypothetical or a future matter; it is an immediate question.

When you read this:

—would or would be likely to endanger her life or health—

I suggest that the clause should be more explicit and the amendment more realistic.

This may not seem very important, but just read the clause again in another way, and I quote:

—would or would be likely to endanger her health—

Most often this is how it will be construed and this will leave us open to all kinds of problems. Doctors will have to deal with women that will play on words, who will think up any reasons to get a therapeutic abortion.

Mr. Speaker, the present section of the Criminal Code is much too evasive and vague. I think the amendment, as worded, certainly supplements clause 18 to some extent, but fails to make it specific enough.

In my opinion, a matter of such importance should not provide a means of playing on words.

Physicians will face women who will play on words. This was confirmed in every country that adopted such legislation.

As it appears in the Criminal Code, the section now contains the following expressions "would or would be likely" and "her life or health".

I think too wide an interpretation is possible, and as I said, serious problems will crop up because of the way in which some expressions of the bill will be understood.

Those who wish to solve the problem of an unwanted pregnancy, are not consumed with scruples, but with an obsession: to get rid of the foetus they carry in their wombs. Those women or young girls have the impression that their problems will be solved by the death of the foetus and that, in this way, they will trifle with the conscience and good faith of physicians and gynaecologists. They will even threaten to commit suicide, but very few ever do it.

Physical health is easy to ascertain but hard to define in order to determine whether health is endangered or not, because it is closely connected with the morale of a person who claims to be sick because of a pregnancy.

[Mr. Beaudoin.]

It is more difficult to determine the moral or mental health, especially of unscrupulous persons who will resort to tricks or intrigues.

Mr. Speaker, the mistake made in section 18 of the Criminal Code has been noted and studied by Dr. Lavigne, president of the Quebec hospital medical boards, who referred to it, when he appeared before the committee on justice and legal affairs on March 20 last, in the following terms, and I quote:

We are against the present text of the bill and we wish to see it amended to limit the reasons for abortion to cases where there is a serious danger to the life of the mother. The problem is stated in the bill on page 43.

Mr. Speaker, I will not quote the wording, because I know that most hon. members know it by heart, especially those who took the trouble to study the bill and to come here to discuss its consequences clause by clause. I will go on:

Now, this leaves a door open to all social, psychiatric or other reasons that people will choose to give. There will always be a way of obtaining pseudo-psychiatric or pseudo-social reasons to obtain an abortion. Now, this is the equivalent of what the clause on abortion requests. At the present time, the bill reads as follows: Would or would be likely to endanger her life or health.

In my opinion, the proposed amendment does not go far enough, is not specific enough, and offers no guarantee, or nothing more than the provision of the bill when it was first introduced in the house.

Dr. Lavigne who is aware of the dangers of a wrong interpretation made the following suggestion, which I would like to quote:

We would prefer this to be limited to "to endanger her life" or at least "to endanger seriously her health."

The terms used leave the door open to problems, and discussions. The major problem regarding these therapeutic abortion committees is that psychiatrists, among whom some admit any kind of psychiatric reasons, would ask the gynaecologists and obstetricians to carry out abortions when those physicians have refused to perform them.

● (4:20 p.m.)

—This provision would also allow for a certain amount of bargaining as far as the patients are concerned because they will try to find a doctor who will agree to such an abortion. This will bring problems that will give rise to a double standard in certain cases.

In New York I know two hospitals that are located just a few streets from each other. Now one hospital carries out one abortion for every 20 deliveries and the other one carries out one abortion for every 6,000 deliveries. Therefore, I think that this situation would be creating a problem that is just as serious.