

Criminal Code

reservation in subsection 209 (2) of our Criminal Code so that it is now generally accepted that to preserve the life of the mother, one does not have to wait until she is in immediate danger of death. In that connection, is there anyone responsible for the treatment of people, who can remain idle when bleeding is heavy and the mother's life is in serious danger before deciding to practise abortion, knowing that the mother is dying?

Those who never had such responsibilities may well speak of principles and theories, but if they had been through as much as those who are responsible for treating sick people, they would never have spoken as they did in the house and in the committee.

In the numerous cases which came before the courts, it was explained that preserving the woman's health meant preserving her physical as well as her mental health, because health is one and indivisible. It is not the absence of one thing.

Despite this liberal interpretation—I am not talking of the party—of the legislation, it is believed in various Canadian circles that this sole ground for legal abortion does not take into consideration today's realities and conditions.

According to certain medical associations in Canada, since nearly all abortions are prohibited by law, thousands of Canadian women may be prompted to resort to criminal abortion. Let me explain. In general, public opinion does not condemn abortions practised for reasonable motives—I would call them, to put my thought in concrete form, therapeutic abortions—as it was the case before. In fact, the main effect of the present act, as of the legislation that prohibits birth control advertising, is to establish class distinctions.

• (3:40 p.m.)

Well-to-do and well-informed women can usually get an abortion from a competent surgeon in sanitary and safe conditions, or even go to a country where abortion is legal; in Japan, for instance, it will cost her \$2,000. She will remain in hospital there for a week, and on her return, everything is all right.

However, less fortunate women may have to resort to the services of dubious, illiterate, irresponsible quacks, whose methods will cause infection. It is estimated that in Canada up to 50,000 abortions are being performed yearly, and a great number of them result in death or in a serious disease.

And at this stage I must add that the passage of the legislation now before us, will not

help to bring down the rate of criminal abortions. This is not a valid argument, because we know that the implementation of the bill will not bring about such a result. Indeed, it is not the purpose of this legislation. Its aim is to authorize therapeutic abortions.

At its annual conference in 1966, where the idea originated the Canadian Bar Association—passed a resolution proposing the legislation on abortion for three specific reasons, thus allowing doctors to perform abortion whenever they deem it absolutely necessary, without running the risk of being sued. This is the whole philosophy of the section on abortion and the general council of the Canadian Medical Association, numbering about 25,000 doctors, has already taken a similar stand and approved a recommendation regarding therapeutic abortions.

The two main professional groups: doctors and lawyers, who are most concerned with this problem in Canada agree on the need for reform and according to the Canadian Medical Association secretary, Dr. Peart, the council hopes that the recommendation will become law so that under certain circumstances, abortion may be authorized. Here are the circumstances referred to by the Canadian Medical Association:

Firstly, when abortion is procured by a qualified medical practitioner duly authorized, after consultation with a therapeutic abortion committee, appointed by a hospital, and subject to the approval of the latter.

Secondly, if such abortion is procured in the above mentioned circumstances in a public hospital of active treatment. Such an operation can only be performed in a suitable place.

Thirdly, if it is performed with the written consent of the patient and that of her husband or guardian, when the committee deems it advisable.

In addition of all cases where the life or the physical or mental health of the mother are in danger, the Canadian Bar Association would like to add two other grounds for legal abortion. Therefore, the resolution includes the following two reasons: when pregnancy is the result of a criminal offence rape or incest, and when there are high risks of physical or mental disability for the child. Under the present legislation, the victim of rape or incest cannot legally resort to abortion.

On January 24, 1966, a bill was introduced in the house and passed on first reading. Everybody knows that the purpose of that