

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, February 9, 1983.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, 9th February, 1983, at 11.15 a.m.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, M.B., Ch.B., LL.D., (President)

His Honour Senator J. C. W. Wickham, M.B.E., (Deputy President)

Senator the Hon. N. A. Barrow, B.A., LL.B., (Minister of Information and Culture), (Leader of the Senate)

Senator the Hon. O'Brien Trotman, (Minister of State, Prime Minister's Office)

Senator H. R. Linton

Senator Mrs. E. M. Lynch, G.C.M.

Senator the Hon. C. A. Griffith, (Minister of State, Prime Minister's Office)

Senator J. E. D. Williams

Senator Miss J. Clarke

Senator A. P. L. Reece

Senator St.C. E. Howell

Senator Mrs. M. O. Reece

Senator E. E. Greaves

Senator W. W. Hall

Senator A. W. A. McClean

Senator Mrs. G. G. Reader, M.B.E.

Senator C. D. Seale

Senator the Rev. Can. I. McK. Jones

Senator K. A. Rouse

Senator L. A. Ward.

Prayers were read by Dr. the Rev. Lionel Crawford.

ABSENT

Senator D. A. C. Simmons.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: I have a Message from His Excellency the Governor-General to the Honourable the Senate.

His Excellency the Governor-General has the honour to inform the Honourable the Senate that, acting on the advice of the Prime Minister, he has appointed Senator Clyde Athelbert Griffith to be Minister of State, Ministry of Finance and Planning with effect from 1st February, 1983.

I am sure honourable Members would wish me on their behalf to congratulate Senator Griffith on his appointment, and to wish him every success in his office.

(Cheers)

SENATOR THE HON. C. A. GRIFFITH: Thank you, Mr. President.

I would say that I am very humble this morning. Although I knew before I left Barbados only two Sundays ago that I was elevated to the Cabinet, all I can say is that I will continue to make a very serious effort to maintain the high standards of office as expected of people who are given the honour to serve at the highest decision making level in the Executive Body of this country.

I also would like to state that, as far as I am concerned, the Senate will always be a place where people can make an effective contribution if they so desire, and I intend, for as long as I am in this Honourable Chamber, to do the utmost at my command to maintain the high traditions of this Honourable Chamber.

I thank you.

(Cheers.)

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following:

The Banks (Tax on Assets) Order, 1983.

The Duties, Taxes and other Payments (Exemption) Order, 1983.

Statement of Accounts of the transactions in rum in the several districts of the island for the months October to December 1982.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, there are no Notices today, but there are Orders Nos. 5 and 6 on the Order Paper which require First Reading in this Chamber before we proceed.

Mr. PRESIDENT: Let it be recorded in the Minutes that those Bills have been read a first time.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, the order of Public Business for the day shall be Orders No. 4, No. 2 and No. 3 in that order. Senator the honourable O'Brien Trotman will manage the first two items and I shall manage Order No. 3.

Mr. PRESIDENT: Call Order No. 4.
11.25 a.m.

RESOLUTION TO VEST LAND AND BUILDING
IN COLLINS LIMITED

Order No. 4 was called - To move the passing of the Resolution to approve of the vesting in Collins Ltd. of land together with the building thereon situated at Philadelphia and Liverpool Lanes, Bridgetown.

SENATOR THE HON. O'B. TROTMAN: Mr. President, as the Resolution before us says, the old Customs Building, as it is known, is now occupied by rats and other undesirable beings. It is the property of the Government and at present the Government has no immediate use for the property. The property is terribly run down; it is an old wooden building, and it is considered that, in the best interest of the health of persons who have to work around Bridgetown, the area should be put to proper use, and that the building should be sold to Collins Limited for \$300 000.

It is not the first time that we have had to come to this Chamber to seek approval for the sale of Government property where it was clear that Government had

no immediate need for the property and where it was shown that private persons could make appropriate use of the land, as we did at Prescod Boulevard near the harbour, where in that case we sold land to Mill Reef in order to beautify and make proper use of the facility down there.

Similarly, it is considered that Messrs. Collins Limited will do something proper with the land, because I do not think anything can be done with the building. The building will probably have to be demolished, but we are sure that Collins Limited, in the interest of their own business, will keep the place tidy, and an eyesore will vanish from the wharfside.

I beg to move that the Senate concur in this Resolution.

SENATOR K. A. ROUSE: Mr. President, with respect to the building in the Resolution which is before us, I remember some years ago that the Sanitation Service Authority requested this building from the Ministry of Health in order to renovate it for a public pay convenience in the heart of Bridgetown. For some time now, Sir, visitors to Bridgetown have found it very hard when shopping to find places to use, and therefore we thought this building would have been a proper building for that purpose. After much consultation with the Ministry of Health, this building was offered to us to renovate for such a convenience.

The Ministry later decided that this building was more valuable for commercial use rather than for the use of a public pay convenience and, therefore, the proposed public pay convenience had to be abandoned at that particular time. As Chairman of the Sanitation Service Authority, it is still my intention to look for such a site in order to facilitate visitors and Barbadians alike, and we are looking at the site between Cave Shepherd and Norman House, which is called Rockers Alley, for such a convenience.

I support this Resolution in its entirety.

SENATOR C. D. SEALE: Mr. President, I support this Resolution and I am hoping that it will be the forerunner of many more such Resolutions in which Government would decide to sell some of the properties on which they get no economic return.

There is only one point; I wonder if there is something in the sale whereby some development or something would take place in a short time, because it is no use selling the property to Collins and having it remain in its dilapidated state for a long time, and I would hope that there would be some agreement that Collins would have to do something within a stipulated time.

Sir, Government has a number of properties around from which, in my opinion, they are not getting anything. I can recall Culloden Farm. I believe that the Ministry of Culture is now occupying there, but this is a stately home of some historic interest, and I think the Government should either make up its mind to sell this property, because to desecrate it with offices at this time is not in the best interest of the country. I think there are many embassies in Barbados which would appreciate purchasing this stately property, and I would hope that Government would have a look at this. Sir, I believe if Government needs some offices, Marine House has quite a bit of land up there and there could be newly built places there.

With those few words, I support the Resolution.

SENATOR THE HON. N. A. BARROW: Mr. President, this is not a Resolution that I really thought deserved more than two seconds of debate, but I really rise to invite Senator Seale to Culloden Farm, because I do not think he understands that what is up there is a rubble wall building on which a whole lot of money has had to be spent to make a useful building. It is in a dreadful state of disrepair, and it is not really a building of any historic importance, except I suppose that one can say that once the first Prime Minister has lived in a building, then it becomes a building of historic importance. But unless this is the point that Senator Seale is making, then I do not think he is on a very good wicket.

The house at Culloden Farm is nothing. Let us make this very clear. As an official Prime Minister's residence, it is extremely small. The wooden floors on the ground floor were laid almost into the soil, so that they became termite-eaten, and these had to be ripped up and proper floors laid in. The walls, as I said before, are rubble walls. There is another section where there is an office which we were looking at only yesterday, because the damp keeps coming through and we are thinking of whether we would have to damp-proof it.

You are talking about a building that could easily have fallen down if a lot of money was not spent on it in order to facilitate its use as offices over the last couple of years. I do not think we should just think that because it has the name "Culloden Farm" that that means that the building itself is intrinsically of any class.

The other thing is that the real attraction at Culloden Farm is that, if you remember the Addendum to the Resolution going back nearly 20 years ago when it was bought, the justification for buying it was that the Government was getting something like eight acres of land just outside Bridgetown at a bargain price. That was really the justification that appeared in the Addendum to the Resolution at a time when it was thought the house had

some value, and that is land that Government can use to expand its offices.

It is in that area of Culloden Farm that you have got the National Standards Institution, you have got the Government Laboratory, you have got the Ministry of Information and Culture, and you have the Service Commission bordering it. Most of that property in there is Government-owned property used for public purposes, so that the present use of Culloden Farm is not in any way inconsistent with the use of properties immediately contiguous to it.

I believe the Senator should come in and have a look, and then I think he will change his mind, Sir.

SENATOR J. C. W. WICKHAM: Mr. President, my only comment on this Resolution is that \$300 000 in these days seems a pitifully small amount to sell property in Bridgetown for, because, according to my calculation, it works out to only \$66 per square foot, which seems to me very small for what I would imagine is prime real estate.

SENATOR THE HON. O'B. TROTMAN: Mr. President, in reply I want to make the point that it is a small bit of land without parking space caught between the wharf, between a new mall and to the back of Collins, and whereas if it were in another location one might be able to bargain for a better price, one must concede that the only possible purchasers are Collins, and therefore, the room that one would normally have for negotiating is rather limited. The small bit of land is not of any use to anybody, so you are not in a strong bargaining position anyhow.

The question that the Resolution be concurred in was put to the Senate and agreed to.

THE STAMP DUTY (AMENDMENT) ACT, 1983

Order No. 2 was called — To move the Second Reading of a Bill to amend the Stamp Duty Act, Cap. 91.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the purpose of this Bill is threefold. In the first place, the Bill seeks to correct what was a typographical error in the Schedule to the original Act; it seeks to increase the fees from \$5 to \$10 in one case, and it also seeks to exempt certain items from Stamp Duty.

In the first place, in the Schedule to the Act, under Agricultural Aids, it was intended that the Stamp Duty should have been one-fifth of one per cent. However, that got tied into the Act as one and one fifth per cent, and the Bill now seeks to correct that typographical error.

Under Customs, in the Schedule there is a fixed Stamp Duty of \$5 under (b), and in the Bill, Section 2(b), under Customs, we are now raising the Stamp Duty from \$5 to \$10 on those items, and in the third place, as I said, we are exempting currency notes, educational, scientific and cultural material, and also goods which are bonded in warehouses.

I beg to move that this Bill be read a second time.

SENATOR L. A. WARD: Mr. President, I rise to support this Bill and I must declare an interest.

But under the assignment of certificate under the Agricultural Aids Act, this has created a bit of a problem since it was last announced, and the banks have been very perturbed about this one and one fifth of one per cent, and I am very happy to see that at last that is being amended.

Other than that, Sir, I support the Bill as it is.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support this Bill, I would like to recall certain observations which were made at the time when the original Bill was introduced, and I am particularly directing attention to the question of Stamp Duty on term insurance.

At the time of the original Bill, I indicated that that rate was essentially penal in my judgment, and I believe that it spelt the death of term insurance policies, which happens to be a very useful device for people who have to cover mortgages and things of that kind, and I am wondering if the Government has thought of it or has it under review, and if the Minister is in a position to report.

There were corrections in relation to the overall thing, but I still pointed out that the corrected levels were still high in relation to term insurance, that this is a very cheap form of insurance and that it has a substantial effect on the cost of term insurance vis-a-vis the cost of other forms of policies, to the extent that I would anticipate that I now would not want any term insurance, and I believe most other people would not want term insurance any more.

It is an important device to preserve, and I am wondering if the Government is looking at what has happened to sales of term insurance during 1982, or subsequent to the introduction of the Bill, to find out if it is killing off that area of activity.

SENATOR Miss J. CLARKE: Mr. President, I rise to support the Bill and at the same time to endorse the comments made by Senator McClean in regard to the situation in the insurance industry.

I should, of course, have declared an interest — as I am being reminded quietly on the side.

It is true that, after the 1982 Budget, an amendment was made in Parliament which reduced the very penal level of duty imposed on the industry, but nevertheless the industry is still concerned, particularly the life insurance industry, and we continue to make representation in the hope that further amelioration may be made.

The point about term insurance is very valid and I wholeheartedly support Senator McClean's call for further consideration of this matter.

The question that the Bill be read a second time was put to the Senate and agreed to.

On motion of Senator the Hon. O'B. TROTMAN, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.

On motion of Senator the Hon. O'B. TROTMAN, the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. President in the Chair.

11.45 a.m.

On separate motions of Senator the Hon. O'B. TROTMAN the Bill was read a third time forthwith and passed.

MEDICAL TERMINATION OF PREGNANCY ACT, 1983

Order No. 3 was called — To move the Second Reading of a Bill to reform the law relating to abortion.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, if this represented some sort of contribution coming from a pulpit, I believe that it would be appropriate to invoke the biblical injunction — "he that is without sin, let him cast the first stone", because in terms of the recent comments on this legislation, we have been hearing statements coming from a source organised along the lines of the strict teachings of the Catholic Church, which, in my view, are not reconcilable with reality. We have been told a lot of simplistic things.

We are being told, for example, and this again is the view of that church, and maybe, the view of all Christian churches; I do not know — what I do know is that it is a matter of debate — but we are being told that life starts at conception and abortion, therefore, amounts to an act

of murder. That statement is one which I do not think is worthy of people who are of certain intelligence.

Any of us who are in the remotist way familiar with Christian theology, are aware that there are always circumstances in which the taking of life is justifiable. I think we only need go to Leviticus where, in a single chapter, you will learn that if a man shall lie with mankind as with womankind, it is an abomination, and the penalty there is death. In fact, the penalty for adultery was stoning to death and in Leviticus, we find the penalty for bestiality prescribed.

Indeed, it is precisely because society has to recognise certain imperatives that we at times have to countenance the fact that, while it is under any circumstances undesirable to take human life, there are circumstances, however, in which there is, if not full justification, an extremely compelling reason. That, Sir, is the way that I think one can justify training people to kill and going out to fight in times of war.

I believe that those of us who have to legislate must not adopt the approach of the bigot; we must not adopt the approach that some people have adopted in this debate. I think we have to recognise, Sir, that there are certain facts that compel us in 1983 to take a look at the law relating to abortion and to decide whether that law needs to be changed. The exercise which I am referring to today, and which I am initiating in this Chamber, therefore has two aspects – whether that law needs to be changed and, secondly, in what direction.

The Offences Against the Persons Act is where in the Laws of Barbados provisions dealing with abortions are to be found. Section 61 – says:

“Any person who,

(a) being a woman with child with intent to procure her own miscarriage, unlawfully administers to herself any poison or any other noxious thing or unlawfully uses any instrument or other means whatsoever; or

(b) with the intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.”

Section 62 deals with those who aid and abet. I am not for the purpose of this argument dwelling on Section 62. What I am dwelling on is the total prohibition in the Laws of Barbados against abortion.

One of the most interesting contributions to this debate was made in the Other House by Dr. Haynes, a member in the Other Place for St. Michael South Central – a very interesting contribution, because if you look closely and follow what he was saying, then it was absolutely clear that his positions were informed by a fundamental misunderstanding of the law.

His position was informed by the fact that, because it is the practise in Barbados, the practise in the Queen Elizabeth Hospital, to abort where the live of the mother is in danger, where the pregnancy results from rape or incest, where the physical or mental health of the woman is in danger or where the child is likely to be born malformed and so on – because it is standard practice to do abortions on those grounds, Dr. Haynes assumed that that was the law and that they were acting legally. The fact of the matter is, that until this Bill is passed, that will not be the law of Barbados. That is the real point.

11.55 a.m.

If you look at the legal argument that took place in that House during the debate, you will find that there was much reference made to an English case – the King Vs. Bourne – which dealt with a 15 year old girl who had been raped by two soldiers, and a gynaecologist was charged for performing an abortion. This was, I believe, a 1939 case.

The point I am making is that, in summing up, in his address to the jury, the Judge made comments which represented a very liberal interpretation of the law as it then stood, and which would indeed, if enacted or if confirmed by the judgment in a higher court, come to represent the law, and which would allow the kind of practices, which Dr. Haynes was referring to, to continue with a legal basis – that it is elementary for any student of the law that a judgment at first instance cannot be said to represent the law.

It is an elementary point, which any student of the law is supposed to understand, and it is regrettable that, in reading the debate, I noticed that another Member of the House, Mr. Taitt, did not seem to grasp that point. It is more regrettable for the Cave Hill students than it is for me, because I understand he teaches them.

That is one of the first things. When one deals with the law and learns about precedent and learns about authorities, what authorities are persuasive as opposed to those which are binding and soon, one would find out, for example, that indeed one cannot even be sure that such dictum by a judge at a court lower than the Privy Council would necessarily represent the law in Barbados, because until the Privy Council pronounces, anything else is not really of much more than persuasive authority.

I grant you that if it is a House of Lords decision, or if it is an Appeal Court decision, that, generally, it is going to be regarded as the law. But there is still that final thing to be put on it. If it is done by a judge in Privy Council, we know for sure that it is the law. More than that, or across the same level as the House of Lords, we know that it is likely to be represented as the law. But at first instance, there is no way, Sir, absolutely no way, that you can regard a dictum of a judge as representing the law.

Therefore, as far as settled law is concerned, abortion on any ground whatever performed by any person, regardless of whether he is a medical practitioner or not, is illegal in Barbados — as far as the law now stands. If you want to find out whether a court will take the line which the judge took in Bourne, you can take your chances and the court might take that line or it may not, but all that I can tell you is that, as far as settled law stands, abortion on any ground whatever is illegal in Barbados.

I am making that point, Sir, because it is my view that a great deal of the confusion which has resulted in the course of discussion on this Bill results from the belief that abortion, in a limited way, is presently allowed. The fact, indeed, is that should this Bill be enacted into law, abortion in a limited way will for the first time be legally permitted in Barbados. That is why I say the first thing we need to ask ourselves is, does the law need to be changed?

I must dwell a little while longer on that point, because I know it is easy enough for me to say that it is unthinkable that in 1983 the state of our law should be such that we do not recognise that a woman's life ought to be given priority over the life of the child she bears. I have not heard people in intelligent discussion dispute that, but I know that everybody does not necessarily believe that. I do know also that, in a conversation with somebody who is opposed to the Bill, I said, "If your wife was pregnant and abortion would save her life, what would you do?" He said, "I would not have any difficulty with that, my wife has to live." You see, when we relate these things to ourselves, personally, our attitudes on these matters change.

There is not one person I know who will stand up in any public place and say, "It is my 12 year-old daughter, she has been raped, she must have that child." I do not know anybody who is going to stand up in any place and say that his 18 year-old daughter has been raped and is to have that child; his 28 year-old daughter has been raped and is to have that child. I know of no such person, and I do not know anybody who might have a relative who is so dis-

gusting as to go and take advantage of his own daughter and who would not say the man should be shot, far less talking about the girl should have that child.

I do not know if anybody in here knows people like that, but I do not know anybody like that. That is why the question is whether the law should be changed at all, because, in other words, you are dealing with circumstances which, by any objective standards, seem to me at least to justify a change in the law. It is because of that, Sir, that I believe that the Roman Catholic Bishop went perhaps far beyond what the church's position would allow, because the Catholic Church has taken such a stand against abortion that, in every country where such a Bill has been brought forward, it has sought to fight it vigorously.

I do not think that it is easy to imagine how a Bill could be more restrictive than this one, because this one deals with the grounds I have just outlined; danger to health or life, a malformed child, rape and incest. Those are the things this Bill deals with.

The Bill which is being introduced in Spain is, according to the news reports, even more restrictive. I do not think it goes much beyond the life of the mother. I cannot remember the exact things it is said to provide for, but it is reported to be more restrictive than this, and in Spain the Catholic Church is fighting that Bill. They fought it unsuccessfully in Italy, they fought it unsuccessfully in France. You name it, they fought it.

I shall never contest their right to fight these matters and to seek to have the laws reflect the views of the Catholic Church. However, those of us who have the decisions to make must equally be well aware that in Barbados, if you want to find out how many churches we have — and I speak as Minister responsible for Ecclesiastical Affairs — I can show you a list here with something like 64 different denominations, starting with the Fundamental Baptist Church, the Ebenezer Revival Centre and going on right down until we come to the Faith Temple Holiness Church and the United Pentecostal Faith Church of God of all Nations.

12.05 p.m.

There are many, many different denominations, and I am told that my list has left out some. I have not checked to see if Abundant Life is on this, but I am told that this does not represent the complete list. Sixty-four

do not represent the complete list, but we are to be dominated by one, and that one does not represent even — what percentage of the population? — I cannot work out 9 219 as a percentage of the population, but less than 5 per cent of the population.

In short, Sir, even though to make statements like these are said to be politically inadvisable, I believe that it is a matter of conscience, in the same way as the Catholic Church has a right to put its position to fight to have its voice heard, that if any Government in a society like this were to give more weight, a disproportionate weight, to the voice of that church, then it would be seeking to impose on the community, in a most terrible way, the tyranny of the minority.

That is a point which I think we have to face. We cannot abdicate the right to decide simply because one particular section of the community believes it should be able to generate a great deal of pressure.

And again, I am not in anyway attacking the church, but I am making the point that the position which the church holds on matters like abortion and contraception; those two positions in Catholic countries have been rejected at the level of the State, and indeed we know very well that in our own kind of society, Catholics regard certain matters as personal matters and practise them in the same way in which Anglicans and people of other faiths practise them.

Indeed, people talk about wanting consultation in this Bill. One of the points made in the Status of Women Commission Report is that in dealing with this matter, in so far as they could get people's views — and they have met people in Belleplaine, in Queens Park and various parts of the country — they had not been able to produce anything that said that Catholics regarded it this way and Protestants that way. And those of us who live and work with people of various religious denominations know very well that Anglicans, Catholics, all of them, have been practising the standard contraceptive methods, notwithstanding the position of the Catholic Church against it.

I thought, Sir, that I should refer to that at some length because that is the one position which represents, really, that there should be no change in the law.

The letter which Bishop Dixon wrote seemed to have caused embarrassment to the church in that it was a letter of congratulation to the Ministry for trying to deal with a very thorny problem. Since there is no way to deal with the problem except there is some change in the law, one may say that, perhaps, the goodly Bishop should not have written that letter and that sort of letter is likely to put him in trouble with the Vatican.

That may be so, but that is really an entirely internal matter for the Catholic Church. Indeed, one of the things which I have observed in all of this is that it seems to be a matter of Father Blackett perhaps not liking what the Bishop said, and then somebody else trying to get on the bandwagon, and so on.

It is my view that if Father Blackett's position represent the official position of the church, and the Bishop's does not, then he is perfectly entitled to say so. But I believe that we have to sort out the issues and see where what is going on represents an internal church dispute as opposed to the kind of comment on the legislation which we need to concern ourselves with.

You see, Sir, I believe that in this world there will always be differences of opinions on everything, and I cannot, therefore, put down Bishop Dixon, Father Blackett, Father Taylor, Canon Goodridge, Father Crawford, Mr. Richard Browne. I cannot put them down because they do not like the Bill. What I do say, Sir, is that if they make public comment on the Bill, then I must examine what it is they are saying, because, as a reasonable person, I would want to know that they are not putting forward an option which is a fair and reasonable option and that I am not ignoring that option.

You always have to read what the other man says and listen to what he says, so when the gentlemen have spoken, I believe it is my duty to analyse what they have said and to satisfy myself whether what they have said ought to have an effect on my thinking. But I will defend their right, as I will defend anybody else's right, to have a say on this Bill.

I think that once we have thought about it, we must recognise that a letter from a Catholic Bishop, which says, "We appreciate your trying to do something about this particular problem" — and which, in fact, is the position of the church, because the Bishop has also made comments on the proposed legislation and this kind of thing — we must understand that that will not sit easily with people who believe that the proper Catholic position should be that the church opposes abortion under all circumstances and, therefore, we cannot comment on the Bill other than to say that there should be no such Bill.

What is in the law of Barbados right now represents the position of the Catholic Church, that abortion is totally prohibited and is punishable by life imprisonment. That is what the law is now. Therefore, the Catholic Church cannot argue that you ought to do something about that legislation and congratulate you for trying to do something about it, and then turn around and say that abortion should never be legalised. This is the whole point.

I am making the point at some length because that is where Father Blackett and Bishop Dixon are in conflict, and I believe that they must fight their battles out — and the church's official position may or may not be affected by it — but I believe that we must understand that the implications of the Bishop's letter are that there should be change in the law, and the implications of Father Blackett's position is that there should be no change in the law.

Similarly, I notice, writing on behalf of the Christian Council, there has been a recent letter by Father Taylor, and this time the line taken is, "We support some change in the law, but not this Bill". I am going to come in time to deal with that, but for now, just let me say that it is not possible, no matter how much consultation has taken place, how much time has passed, to produce a Bill in which there is not something to which somebody will object to.

12.15 p.m.

We make no bones about it; the Bill before Parliament today is a compromise Bill. It is a compromise because we have gone through all the consultation possible, we have come right down to the wire, where we realise that if we take the position as advocated by the Family Planning Association, if we take the position advocated by the Status of Women Commission, if we take the position mandated by any reasonable interpretation of the statistics on abortion, then what this Bill would have to provide for is abortion on demand. On the other hand, if we take the sensitivities of ordinary right-thinking Barbadians into consideration, if we took the views expressed by the various churches into consideration, then we come with a Bill which does not in any way represent abortion on demand, but which says that, on grounds of humanity, there are certain cases in which to perform an abortion should not be criminal.

That is all this Bill before us says. It says it is inhumane to tell a woman that her life must be traded for the life of the child she bears, it is inhumane to tell her she must continue the pregnancy even though it is a threat to her life, and it is inhumane to say that your pregnancy results from rape or incest, but you must still have that child. That is the position which we have come to as a Government, and which is reflected in this Bill. Absolutely nothing else is!

You see, if you believe as Dr. Haynes obviously did, that what he was doing in being an accessory to illegal abortions was, in fact, something which the law permitted.....

Aside.

SENATOR THE HON. N. A. BARROW: It is a fact. That is exactly what he was, an accessory to illegal abortions, a very criminal act.

Mr. PRESIDENT: I would be a little more careful in my language on that. He is a Member of the Other Place and we are not allowed to impute certain things to them.

SENATOR THE HON. N. A. BARROW: With all due respect, Sir, I am not imputing anything. I will quote from the debate so that you will understand that all I am doing is saying that Dr. Haynes said this about himself during the course of the debate in the Other House.

Mr. PRESIDENT: It is better to read it.

SENATOR THE HON. N. A. BARROW: I am saying, Sir, that what he was doing was not legal, but that he believed it was. That is what I am saying. I am not making the point in order to accuse the man of wilfully doing something which he knows was illegal. For example, Sir, on page 2586, this is Dr. Haynes:

"I am particularly fortunate in being able to speak on this matter from the point of view that I, myself, have not done an abortion. In fact I do not know how to do one, because it is not within my competence and within my training."

I do not believe him, that he does not know how to do one, but that is another point, Sir.

"It is as simple as that. This does not say that I have not on occasions — within the law — been party to the recommendation of an abortion in circumstances where measures had to be taken to save the life of a mother. This is usually in relation to the classical cases that usually present themselves in Barbados".....

and he goes on to deal in medical terms with

"where it may be necessary as a physician, to associate yourself with an obstetrician to recommend the termination of a pregnancy, or in some instances of septic failed abortions, it may be necessary to associate yourself with an obstetrician or gynaecologist in order to ensure that the toxic uterus does not eventually lead to the death of the mother."

What I am saying, Sir, is that what he is saying he did was breaking the law, as simple as that. But I am saying he did not know that — he thought what he was doing was legal — and because he thought that the law at present provides for this, he therefore considers that any change in the law would be to introduce abortion on demand. That is all I am saying.

I am, in fact, saying that when the goodly doctor says he is opposing this legislation because it would bring in abortion on demand, what he is in fact saying is that he did not understand that the position of the law

prohibits any abortion. That is what I am saying, not in any way imputing motives or anything.

Mr. PRESIDENT: It is just as well that the records bear out what the doctor is supposed to have said.

SENATOR THE HON. N. A. BARROW: I quite understand that. It is just that I was speaking without having the use of the note and, therefore, I had not thought to do it at this point.

The second aspect of the issue, therefore, is, as I said, how far then should the Bill go, what change should there be, if you accept that there must be some change in the law. I have partly dealt with the point, because I have intimated that the logic of the statistics, a country where on both sides of the House the statement was accepted — I refer to the debate again where you will find that every speaker who adverted to the statistic on the number of abortions being committed in Barbados — and I had to say “committed” because that is the language you use in talking about an offence — every person who refers to the statistics during the course of that debate — and indeed when the Association of Medical Practitioners writes it does not itself express any disagreement with the statistics being bandied about, and indeed if you look at the Commission’s report, you do not get any questioning of the statistics — while it has to be an estimate, every estimate says that at least one abortion is committed for every child born in Barbados. It is a terrible statistic!

What that statistic means, Sir, is that abortion on demand exists as a fact in Barbados. It cannot mean anything else. There is no way that the majority of those cases can fall within the grounds provided in this Bill. There is absolutely no way. You only have to use your commonsense. We do not need to go and get a statistician to do any analysis or anything for us. There is absolutely no way that that number of cases can fall within the ambit of the provisions of this Bill. So abortion on demand exists as a fact in Barbados.

The crucial point, Sir, is under what conditions and with what implications? I believe that everybody has also accepted that it means that those of reasonably comfortable economic circumstance go in through the front door, and those who come from the wrong side of the line go to the back streets. I believe that the only modification of that is that there are some practitioners who have quite openly practised in violation of the law, because they disagreed so fundamentally with the law as it stands. Otherwise, they would be even more back street abortions.

12.25 p.m.

I believe, Sir, that, with a single exception, all of the comments on legalising abortions certainly in Barbados has emphasised the dangers to which women, who have

to seek an abortion in the back streets, are exposed, as against the relatively safe conditions and the almost absence of danger resulting to those who are better off, and the only exception to that point of view is again to be found in the contributions of Dr. Haynes in the course of the debate.

On page 2587 of that debate you will find that he says:

“There is another factor I want to bring to this House’s attention. There seems to be a general presumption that, with the passage of this legislation, abortions will be more readily available to all members of the society, irrespective of their social stratum, and there will be a reduction in back street abortions or abortions not performed by a qualified medical personnel in the appropriate environment.”

He then goes on to say, at the bottom of the page:

“There is absolutely no statistical data in Barbados to suggest that the incidence of complications from so-called back street abortions is any more than the incidence of the complications from abortions done in other environments.”

A strange statement coming from a doctor! But there it is in the record. And the implication was drawn later in the debate by another Member of the House. It is a very sad reflection on the standard of competence, or whatever, of the medical profession to say that you can expect the same complications from them, when they do it, as you can expect if a quack does it.

I believe that that is perhaps the only recorded departure from the generally accepted point of view, I suspect, in any part of the world, that a person who goes to a quack is exposed to far greater danger than the person who can go to a medical practitioner and have the thing done.

But I need, Sir, to deal with what kind of legislation there should be, because, as I said, it is a chilling statistic that, perhaps there are more abortions than births in Barbados. It is a chilling statistic — the fact that there is an abortion on demand, reasonably safe conditions for some and abominably unsafe conditions for others. I do not think any of us like that set of facts.

The point is, Mr. President, that this is the consideration that was reflected throughout the debate in the Other Place.

The first speaker for the Opposition was Mr. Weekes, and he expressed the view that the wrong Bill might have been brought before the Chamber. He says :

"The majority of people, who we refer to today, and who have ended up in the hospital....." — (the point being, Sir, that with a lot of the back street abortions, when they are incomplete and the lady is in trouble, the woman ends up in the 'hospital) — "have come from a particular stratum in general, in this society. This can be borne out possibly by statistics; maybe not, but you will find that a large percentage of those people probably have economic problems. Poverty has always been associated with a lot of these problem."

It is a reflection of the point that, as things stand now, it is poor people who are suffering by the operation of the law.

We go from Mr. Weekes. I have dealt with all I wanted to say about Dr. Haynes' speech, which, really, was the only speech given in that debate which I think represented a fundamental misunderstanding of the whole situation and, as I said before, I think it was because he misunderstood what the law was.

Now, we go to Mr. Taitt, and he says :

"If the Christian Church, excluding a Roman Catholic Church, says that you may have an abortion to save the life of the mother, or you may have an abortion when there is rape, or you can have an abortion when there is incest, or when there is extreme; youth....." — (extreme youth is one of the points which the Anglican Church said that they understood to be a deserving circumstance, but which is not in this Bill.) — ".....or when there is a high risk of a deformed foetus, or when there is danger of the physical and mental health of the mother, than I believe, Sir, that it has outlined and encompassed almost every aspect of the reason why a woman might seek to have an abortion."

"Mr. Deputy Speaker, I do not take it upon myself to come into this Honourable Chamber and dare to speak for any woman in this community on this matter. I believe there are some other matters on which I can perhaps provide, on the basis of my experience, some guidance to the women whom I have the honour to represent from my constituency; but I believe that on a matter so personal and so dear to them, except perhaps for the minors, they are the best people to make decisions concerning themselves and their own bodies and their own connection with their God."

That is not just a statement which supports the Bill, but it goes much, much further, because that statement represents acceptance, willy-nilly, of the decisions of the Supreme Court of the United States, that it is a matter of a constitutional right for a woman to have an abortion if she wants one.

Mr. Taitt's statement represents, therefore, the most far reaching statement of any contributor to the debate in the Other Place. I am making the point because we need to understand where issue is joined and where issue is not joined. He would go much further than the Government, if we are to understand what he is saying there.
12.35 p.m.

Then there are two more contributions. There is the contribution of Mr. Sandiford, and Mr. Sandiford spoke well, but did not disclose what his own position was. I have read Mr. Sandiford's contribution from where it starts on page 2604, both columns of 2605, both columns of 2606 and on to 2607, and I have not found the expression of a single opinion other than :

"Therefore, I am going to join my colleagues on this particular matter and I am going to call for the establishment of some body or commission, or whatever it may be called, to be set up so that members of the public at large can examine the issue — not only a few favourite groups who may be operating or those whom you can write to because they have a President, a Secretary or Treasurer, or a body of officials, and because you know where they may meet, or because they may get a grant or subvention from the Government."

In that paragraph is summed up Mr. Sandiford's total contribution to the debate, but there is an even more interesting contribution.

The Leader of the Opposition at page 2607 says:

"My mind is completely open. I am neither for nor against abortion."

But let me show you, Sir, the contribution of somebody who is not for or against abortion:

"It seems to me that there is a certain amount of squeamishness about this Bill.

"You want to liberalise the law. You want to, as the Minister of Health, himself, said, assist certain classes of people; but you are not making it possible for them, for a young woman who unfortunately finds herself pregnant, partly because... I have to stop because I might be misunderstood. The thing that you wave in front of the bull is that this business of abortion on demand should not be encouraged. I did not want to say "red rag", obviously for squeamish reasons as well, but you do not want to say "abortion on demand" — so, then, who are you helping?

"If a woman, up to the twelfth week when she believes that she is pregnant, cannot go to a Government institution, whatever you call it, an

institution run by the Government — and if you are having a free Health Service, as part of the free Health Service — and say, “this is going to be an unwanted baby,” then the same back street operators that you are railing against here on the floor of this House will be still in business. That is the point I make. You are not putting them out of business, because it is this type of termination, the termination of a pregnancy for a person who does not want a baby, that you should liberalise, liberalise it all the way.”

This is the Leader of the Opposition.

“If you do not like to call it abortion on demand, do not call it abortion on demand, but call it “a trimester abortion”; do not call it abortion on demand; give it a pretty name. But when you are telling me that I have to go — and when I say I, I do not mean me, because I am not in any way in danger, no matter what the Minister of Education might think; I am in no danger of having to go either by demand or by compulsion — but do not tell a young woman that she cannot go — she does not want her parents to know, she does not want her boyfriend to know — let us liberalise it. Let us liberalise it all the way, but set up a Government place where these people can go, and put the back street operators out of business.

“You are telling me that over 800 abortions are being done in the Queen Elizabeth Hospital alone, not in the clinics, and yet you are telling me that it is not legal. A “D & C” is legal, but an abortion is not legal! A D. & C. is supposed to be dilation and curetage. I believe.

“That is legal, but what is it but abortion when you are finished; no matter what pretty words they enter in the records in the Hospital that somebody came in for a D. & C.? The Queen Elizabeth Hospital has been carrying out abortions with the consent of Governments — not necessarily with their knowledge but with their consent — so that is another reason.

“I really do not wish to spend a lot of time on it. I have a completely open mind on it,”...

That is what the man said.

“.....but let us go now and see how far we can go and see if the mischief that we are trying to prevent is really being prevented by this Bill.”

When I say there are two questions, Mr. President, one being whether there should be any change I am presumptuous enough to believe that every single member of

this Chamber believes that there should be changes, there should not be a total ban on abortions. I believe that everybody in here believes that circumstances like the risk to the life of a mother, rape and incest are circumstances which are really not tolerable and, therefore, the kind of law we now have has to go. That is what I believe, and I would hate to be proven wrong. But the real issue is, how far should the legislation go?

I must at this point depart a little from the official line, because I would like to make my position clear. I am glad to see Senator Hall here; our position is the same, Sir. I have too much respect for women to believe that women go to a doctor to seek an abortion like somebody goes to the store to buy ice cream, and I have some understanding of the difficulties which enter into considerations of this sort. I believe that it is a matter of the deepest disrespect to women for all the men who are talking — because usually it is only a lot of men — to suggest that, as soon as there is a chance of any legal abortion, women will now start to abuse their bodies.

Women are animals in the same sense that men are animals. I do not think that women belong to any breed apart from the one that men belong to. I believe that if it were possible for any of us men to imagine ourselves in the position of a woman who is bearing a child, that we would understand that, in the same way we could not idly contemplate abusing our bodies, it cannot be easy for women, and they, and only they, have this problem to face, and I believe that Branford Taitt was entirely right when he said that this was a personal matter for the woman and her conscience, for the woman and her God. I believe that that is the only reasonable position, therefore I support legislation that goes much further than this. I would support legislation which permits abortion on demand. That is my position, Sir.

This legislation does not provide that, but I am not opposing this, because, as far as I am concerned, there are two separate issues altogether. One is whether there should be legislation on humanitarian grounds, which stops the nonsense of people having to do something illegal to save the life of a woman, and in cases of rape and incest. But there is the other legislation which goes further than the humanitarian grounds, and that is the legislation which would say, “Let us remove all of this and let us try and deal with the problems of morality in a society by way of education, with the church taking the lead, and let us not try to deal with the questions of morality by unduly restrictive legislation.” That is my position.

12.45 p.m.

Therefore, I can well understand why it is that the contributions of Mr. Weekes, Mr. Taitt and Mr. Barrow all raise a very fundamental question — whether this Bill is going far enough. Because I do believe that you will not

get to deal with the back street boys unless the legislation permits the abortion on demand, and I believe that, Sir, because, as I have pointed out right at the beginning, abortion on demand is what exists in Barbados right now, and it is not going to stop. When people reach a level at which they decide that if they cannot get it legally they are going to get it illegally, we may as well forget it. We cannot stop it.

At the end of the 1950s and the beginning of the 1960s, there were prosecutions in Barbados for abortion. Not even Nurse Worrell was convicted, and that was evidence of the sort that I do not believe you could possibly see more glaring evidence, and the Gittens case was the last prosecution as far as I know.

So, for over 20 years nobody has been prosecuted in Barbados and, from the statistics, it is clear that there has been no abatement. And from the Hospital statistics, it is clear that there has not been lack of evidence, because people come in, having been butchered by quacks, and they have to correct the whole thing.

But the juries reflect the ordinary conscience of the community and have made it clear that you will not get a conviction, because one of the things that we must face is that, whether we like it or not, the collective consciences say that people, who help out girls in trouble, are not doing anything criminal. That is the point we have to understand.

The law can say it is criminal, but if the society says that helping out a little girl with a problem is not criminal, you had better believe it, Sir, you are not going to get a conviction; so the law in that case is a dead thing. And that is where we are at in Barbados today — we have a law which is so completely out of touch with the dynamics of modern society that nobody can seek to administer it.

Asides.

SENATOR THE HON. N. A. BARROW: Father Blackett does not want it changed, but Father Blackett can never have the problem.

Laughter.

SENATOR THE HON. N. A. BARROW: I have been careful to look and see exactly what people are saying, because it would be unfair, in my view, and certainly it would be misleading, for me to get up here and represent that the expressed views of members of the Opposition had been unreasonable. As I said, the one that appears to be totally unreasonable is explained by the fact that he had been doing something that he considered

legal, and that is something understandable. I am not knocking Dr. Haynes or anything like that; you should not shoot a man down for ignorance.

The position really is that members of the Opposition, starting with Mr. Weekes and going right through, all asked for further study, for further delay.

Mr. President, it is going to be very hard to find, at any time in Barbados, legislation which has been delayed as long, studied as much; indeed, Sir, put aside and left to rest for a while, while you get a chance to reconsider it, canvassed as much, commented on as much publicly, as this Abortion Bill.

It was in 1969 that the Barbados Family Planning Association submitted a memorandum to the then Government, in the month of July, so we are dealing with thirteen and a half years ago. Then, there was a draft Bill in 1970.

In May of 1973 the Solicitor General wrote a Memorandum on the reform of the law on abortion. From then, we had discussion starting on abortion on demand, you had the "right-to-lifers" — and again, Sir, I am not worried about the right-to-life people. I am not in any way opposing their right. I am not saying their right to life. I am talking about their right to comment and to vigorously pursue their own cause as they perceive it.

There was an editorial on abortion in the *Advocate* nine and a half years ago, on July 30, 1973, a letter in support of legalising abortion on August 14, 1973, a letter to the Ministry of Health on September 24. These are not all, but I am calling the ones which, without trying too hard, you can pick up. Then we have the first submission to Cabinet in 1974, a Cabinet Paper that dealt with the effect of abortion by unqualified persons, and this obtained a decision of Cabinet to appoint a Committee to review the abortion law. So official action could be said to have started there, but moves by the Family Planning Association, and public comment, had been going on for some four to five years before.

The Committee held its first meeting on November 7, 1974 and reported on April 13, 1975.

Asides.

SENATOR THE HON. N. A. BARROW: I thought Senator Creaves was going to ask something else, because what is significant is that, when the committee reported to Cabinet, the decision was taken to note the report, fullstop. So you go to the trouble to set up a Committee, the committee recommends legalising abortion, and your decision then is to note the report.

I think that the then Minister, who has been writing in the Press expressing his opposition to changing the law on abortion, should not be annoyed if he is accused of lack of courage. I would have said that, certainly if he had felt so strongly about the subject as he now seems to, he could have taken the policy decision not to set up the committee in the first place, but having set it up, he should have had the courage to treat the recommendations seriously. But just to note the report is really to make a lot of people waste a lot of time.
12.55 p.m.

The committee was rather carefully put together. I remember that it was very carefully put together, because immediately on my right is someone who represented an organisation that did not attend any of the meetings and did not take any part in the deliberations. But everybody else did – the Barbados Association of Medical Practitioners, the Bar Association – and with due respect to the lawyers present here, I think it is true to say that the Bar Association is still to respond – I am told that is not unusual behaviour in that quarter – the Association of Social Workers, the National Organisation of Women, the Barbados Youth Council, the Barbados Ministerial Association, the Barbados Workers' Union, the National Union of Public Workers, the Barbados Union of Teachers, the Barbados Secondary Teachers Union, the Ministry of Legal Affairs and two representatives appointed by the Minister, one was a psychiatrist, Dr. Bannister, and the other one was "The Carol Taylor", as I recall the telephone listing.

The position is that even then, quite apart from the fact that the Family Planning Association was indeed advocating abortion as a population control measure, there was a great deal of evidence as to the unsatisfactory conditions relating to abortions, the high level of abortions and the number of cases that ended up in the hospital as a result of butchery. Notwithstanding Dr. Haynes' comments in the debate, indeed one of the outstanding features in all discussions in this area is the fact that where abortion is legalised, the incidence of death of potential mothers resulting from abortion is always significantly lower, and I believe that is a factor that we must also bear in mind.

Even at this stage, which is nearly a decade ago, much of the information on which today's conclusions have come to be based was sufficiently available that a decision could have been arrived at. It is my candid opinion that, because this is the kind of thing that divides people, there was a lack of will on the part of the decision makers at the time to go ahead and have new legislation enacted.

The matter then gathered momentum after 1976 when the then Minister of Health, first of all, reviewed the position; and having done so, and having discovered

that there was greater need for consultation at all levels, the level of religious leaders and also the level of the people, and the only people directly affected by it, that is the women of this country, that is why, Mr. President, following a decision of Cabinet on June 23, 1977 a report was circulated to the National Commission on the Status of Women and to the heads of all recognised religious denominations for comment.

So those who talk about consultation really ought to check the facts, because you set up a committee which has all sorts of people on it, social workers, the unions – all sorts of people – and then, not satisfied with that, you now approach the leaders of the church in their capacity as church leaders, and I happen, for example, to know that in the case of the Anglican Church, which represents the religious affiliation of more than half the people in this country – I believe it is about 60 per cent or something like that – that the Bishop not only took the matter to Synod, but he also sent a copy of the document which he took to Synod to the Ministry of Health.

I noticed that the Chaplain of the Senate is not here, but he and another Anglican priest have made comments, and I wondered at the time that they made comments whether they had indeed made their comments when given the opportunity to do so at Synod; and if so, how can they only now late in the day come to be making comments on a matter which has been up for discussion for so long. I thought I could have taken the opportunity to ask the Chaplain if he is still a member of the Democratic Labour Party, but I can't ask him behind his back.

There are people who have been getting into this because they see some political mileage in it, and I really wanted to make a point or two about it.

Anyway, Sir, the fact is that great care was taken to ensure the fullest possible consultation with the churches and with the women of this country. The Commission on the Status of Women during its meetings, which were held all over the country, canvassed the idea and devoted a great deal of time to this in its report. Volume 1 shows pages 330 to 375 devoted to the discussion and the recommendations on the issue of abortion, and having consulted with the women of this country, that Commission recommended abortion on demand.

The process of consultation which has been put into place had responses from the Methodist Church, the Catholic Church all in 1977 in the month of August; The Church of God, the Moravian Church and so on. There was some discussion in another place; then there was a whole lot of newspaper comment particularly the month of October. The Council of Evangelical Churches, which

had not been sent a copy of the report, asked for a copy, considered it and sent back in their views.
1.05 p.m.

The Association of Medical Practitioners wrote — there is a letter signed by Professor Walrond — and contributed to the public debate at this time and discussed a survey which showed that 85 per cent of the doctors and social workers in Barbados, who were intimately associated with the mental and physical well being of patients, were in favour of the liberalisation 1868 Offences Against the Person Act under which persons performing illegal abortions were prosecuted. It is interesting, Sir, because it shows that other doctors, apparently, did not have the same misunderstanding of the law as Dr. Haynes had.

The Church of the Nazarene, The Christian Union Church — you just name it, Sir; there was the whole consultation process going for all this time, and then the Commission on the Status of Women, as I said, also considered the thing and reported.

It was only after this, Sir, that, on May 31, a decision was taken to proceed with the drafting of new legislation. In other words, Sir, if we take July 1969 as a starting date, that is the date of the Family Planning Memorandum, it is approximately one decade before the decision was taken to proceed with the drafting of the new law, and the year 1980 was taken up in large measure by responses and comments on the draft legislation; because the Draft Bill was circulated under cover of a letter on December 19, 1979.

I am mentioning that specifically, because I think it is Father Taylor to whom the statement was attributed about people not seeing the Bill except as members of the public, and when we read what he said closely, one saw the fine distinction in saying "this Bill before the House." In other words, the dear Father does not understand that Government has a responsibility and duty to take decisions, and that consultation process cannot go on forever and ever.

So what has happened is that, once the churches made their contributions and the Commission on the Status of Women reported, it was then thought that the process of consultation was complete. A Bill was drafted, and that Bill, in draft, was then circulated again so that they could have their final comment. The final comment of the churches was what caused the removal from this Bill of certain things, Mr. President, because the Bill had additional grounds. The socio-economic circumstances of the woman was a ground and contraceptive failure was a ground.

I do not think, Sir, we need to read and spell for anybody. That Bill was a Bill which provided abortion on demand. As I said before, it was a Bill that I would have had absolutely no difficulty in supporting. But out of deference to the views of the people in society, and particularly in deference to the views of the churches, the Government removed from the Bill those provisions which would have been permitting abortion on demand.

I do not know what those people who want further consultation expect to achieve by further consultation. If I understand the Leader of the Opposition, perhaps further consultation would lead us to bring in a Bill which does have abortion on demand. Perhaps that is so; I do not know. But I do not know what further consultations can achieve, because we are not, Mr. President, as a Government, going to accept the position of Father Blackett, which, crudely stated, is that the present law should not be changed. As far as we are concerned, the present law is a dead letter, and, in so far as we can say anything about it, it is a dead letter because it is so obviously inhumane and anachronistic.

I, for one, although I cannot under normal circumstances support disrespect for laws, I must confess that I am happy that juries in Barbados made it clear so long ago, over 20 years ago, that they would not be convicting anybody for performing an abortion. That is the penalty that society must pay if it continues to have outmoded and stupid laws on the Statute Book. So we are not, by any means, as a Government going to take the view that the present law needs no change. We will, therefore, be unable to make peace with the Catholic leaders who are making the points.

What is the alternative? The alternative of this Bill, Sir, which is merely dealing with the humanitarian aspects of abortion, is abortion on demand. Well, as I said before, while I support it and while I know a lot of people who support it, the decision has already been taken not to go that route in deference to the views of the church. I believe one is entitled to ask in a Christian community, what more can anyone want? It remains for me, Sir, to go through certain provisions of the Bill.

1.15 p.m.

The Bill has had unqualified support from the Barbados Youth Council, support in the main from the Barbados Christian Council — never mind Father Taylor's latest publication. Because if we say that you are objecting to abortion on demand and we agree and we cut out that, and if we say that you should not under this Bill compel anyone to perform or participate in the operation in any way, if it is a matter of conscience, and we make specific provisions on that, do you mean we are to give in on every point even though the advice is strong against it?

In the latest publication by Father Taylor, he is talking about two things, one is a consideration and not a ground, which is the socio-economic circumstance of the woman, where it says that a doctor in coming to conclusions about the risk to physical and mental health must take certain things into consideration. It is not a ground, it is a consideration. It used to be a ground, but it was taken out, so we are to take it out now even as a consideration when indeed nobody that I know, who is enlightened in the slightest bit does not think so?

And certainly, as I read the Anglican position, that is perhaps not all that should have been in, because one of the specific points alluded to in the Anglican position, and that is over 60 per cent of the population, is the age of the mother, because people of tender age, according to the Anglican position, should have a special dispensation, and it makes sense.

The other thing that Father Taylor is up in arms about apparently is that the husband is not being given a say. There are two statements which I would like to make in relation to that. The first is that, unless something happens overnight, most children are still being born outside of wedlock, so even if one made any concessions to this point, it would be merely scratching the surface. The other point is that that view is inconsistent with the view of a woman as a full human person. We must stop abusing women and treating them like morons, or like some special breed created by somebody other than God.

But everything else that the church wanted has been in the Bill, and that is how abortion on demand came out of the Bill. It is a compromise Bill, as I said before, but it is a Bill which we feel is deserving of everybody's support, because it removes certain very inhumane conditions from the Statute Book.

I must tell you I believe those people who say that, whatever law you pass, abortion on demand is going to continue, and I believe that the society will in time come to agree with the National Commission on the Status of Women in Barbados that abortion on demand should be permitted up to 12 weeks of pregnancy. I believe that we are all going to come around to that position sooner or later, and I hope sooner rather than later, because that now is where we will be dealing with a social problem.

I believe that, in the television programme, when Father Blackett was talking, it was put to him that what he was dealing with was the subject of abortion and not the Bill before Parliament, and that perhaps he ought, as a matter of duty, to take a stand against abortion. The goodly Father was not heard to respond to that point, but then I do not know what man would have been comfortable in a debate of that sort with one on each side — the Chairman of the National Commission and the

outstanding social worker — and both of them making points about problems personal to women, and which the goodly Father could have had no perception of.

Various comments I have heard, Sir, suggest that the general view is that the ladies tore the goodly person apart, but I believe it must have been a terrible experience for him, because there are some people who are accustomed to speaking from the pulpit and do not know what it is to have to talk with people talking back to you, so the goodly Father, I think, would have had a very interesting baptism.

I believe, Sir, that, in introducing this Bill, I have sought to show what the state of the law is and why it is that we believe that the law as of now cannot continue. I have shown, I believe, what the choices would be, and that it is out of the process of consultation that we modified the Bill, so that we came with a Bill to deal with the humane aspects rather than a Bill which would have met the general social need, as I believe, in fact, such a Bill should.

There are just two aspects which I want to emphasise in this Bill. I have talked about the grounds and I made the point as to the distinction between a ground on which abortion should be performed as opposed to something to be taken into consideration. I have not, however, Sir, pointed to Section 12 of the Bill which provides for the Minister to make regulations concerning a number of things, including counselling, because that is, in my view, one of the most important aspects of the legislation.

We think the Anglican Church and all those who made the point were right, that there must be facility for pre-abortion as well as post abortion counselling, and you will see that in this legislation there is provision for counselling.

We have noticed, Sir, that for abortions performed on someone who is over 20 weeks pregnant, there is a provision for three doctors, and the Barbados Association of Medical Practitioners writing recently has been critical of the fact that the Bill does not specifically spell out that one should be a consultant obstetrician/gynaecologist.

Now, I ask you, isn't that a decision which a panel of doctors ought to make? Do you put that in the Bill? You say in the Bill "three doctors", do you have to spell out in the Bill that one of these doctors must be an obstetrician/gynaecologist? Isn't it time that the doctors, themselves, take some responsibility for something?

It is not in my view a point which is a serious point. In my view, the statement made by the Association could be much more forthright, as indeed the earlier pub-

lication which I referred to — the letter in the Press signed by Professor Walrond — which was indeed very forthright and very much to the point, but that is not something which we need to spell out in a Bill.

The other point which was raised in the letter, and which I must address directly, is that in this Bill it says that it is enough for a woman to give to the doctor a written statement that she has been raped or has been the victim of incest. That is the one I understand that a number of people may have some difficulty with. Let me explain, Sir.
1.25 p.m.

We are not legislating in Mars; we are legislating right here in Barbados, in a country where, because of the humiliating experience which a woman who has been raped, or who has been the victim of incest, goes through, a minority of any such cases are ever reported, a small minority. I believe that Senator Reader, who has enlightened us in here on many occasions in this area, particularly where social workers' revelations of incest are concerned, will confirm that. Very, very few cases are ever reported to the Police.

I want to ask a question, not only because of the letter, but because we had a look at this Bill again in Cabinet — it used to require an affidavit, and we took it out and replaced it by a written statement to the doctor. Do you believe that somebody, who will not report a rape to the police, is going to be helped by legislation which says, as the Medical Practitioners' letter proposes, that there is no provision that the alleged rape or incest should have been reported to the police and no legal investigation needed to be carried out — do you believe that, if they do not report rape to the police, you are helping them by putting it in the law that they can only get help if they report it to the Police?

I believe, Sir, that we can look at another aspect. Look at Dr. Haynes' contribution where he says that certain types of abortion are carried on in the hospital all the time and the example he gives is saving the life. I think later on in his speech he did also refer to rape. The one he did not refer to is incest. But right now, the doctors are doing this in the hospital without affidavit, a written statement or anything! So how come this is such a bad provision all of a sudden, that the same doctors have to be telling you that there should be need for an investigation?

We know as a fact of life that there are not going to go and report rape to the Police, because a woman who is raped is humiliated by the whole exercise. It is one of the worst breeds of crime for the simple reason that it makes the victim feel guilty and soiled. Are we

going to tell a woman who is raped that she, in order to have an abortion, must either go and report it to the police, or go to a lawyer or to a JP and swear an affidavit?

We believe that the only way that a woman is going to get any help is within the situation of confidentiality between the patient and the Doctor. We believe that women are not such wicked creatures as to be expected to go and lie about themselves and their own condition in order to get an abortion. And we had better believe somethings; otherwise, we had better give up in this place.

The other provision is, of course, the provision dealing with conscience. If a doctor, if a Nurse — anybody at all is a conscientious objector, the Bill protects them.

In short, Sir, this legislation may not go as far as I may wish, does not go as far as a lot of other people would wish, but we should at least address our minds to the question of the way we treat our women when a practice, which has been sanctioned by the community, in spite of the existence of laws prohibiting it, has to be engaged in within an atmosphere of crime. We must ask ourselves whether it was not time, a long time ago, to remove that kind of situation from the Statute Book.

I am sorry that we have not taken the opportunity at this time to decriminalise abortion. I believe that the community is going to demand it, and that we will have to do it. But if you feel that abortion should not be decriminalised, we are not compromised by this Bill. If you feel that abortion should not be on demand, you are not compromised by this Bill.

If, as a country that has always showed concern and care for persons who are in an unfortunate situation, a country that has set up an elaborate network of facilities to care for children and for mothers — and it has much legislation on its Statute Book reflecting that care and concern — if we are going to act in keeping with that tradition, then, the very least we can do at this stage is to take those examples which humanity, a sense of justice, and indeed a common sense of decency would require.

The categories involved are the danger to health, the danger to the foetus, the danger to life, and the persons are, in the main, those who have been raped or who have suffered incest. I believe, Sir, that this Bill recommends itself to the consideration of each and every one of us.

Accordingly, I move that it be read a second time.

Applause.

SUSPENSION OF SITTING

Mr. PRESIDENT: At this stage, I propose to suspend the sitting until 2.30 p.m. This sitting is suspended until 2.30 p.m.
1.35 p.m.

On Resumption:

Mr. PRESIDENT: This sitting is resumed.

SENATOR CANON I. McK. JONES: Mr. President, I am pleased to observe that this Abortion Bill has caused some of our Senators to look at the greatest Book in the world, the Holy Bible. Although the Book of Leviticus, mentioned by the Leader of the Senate, has not supported the point he was trying to make, I think we must remember that the Book of Leviticus is in the Old Testament, where those who committed adultery were stoned or were put to death; and the light of Christ had not yet come to earth. I would remind the Leader of the Senate to also look at the passage in the New Testament where when Christ was confronted by the woman brought to him for adultery. He did not say to stone her, but he told them "Let him that is without sin cast the first stone". If he goes on to read, he will observe that they all left and fled, from the oldest to the youngest.

I think it has been mentioned already this morning that, even with the passage of this Bill, we are going to do little or nothing to eradicate the rampant spate of back street abortions. They are still going to continue, because I think what will cause them to continue is that if a woman goes to an accredited doctor, a medical practitioner, for an abortion, he is going to ask her certain questions, she has got to answer certain things, and it is an embarrassing situation for any woman, especially for teenagers and school children. But if they go to a back street abortionist, I do not think they have many questions to answer — I think they just have to produce the cash — and you will find that they are much more eager to go to a back street person than to a medical practitioner. If, as I heard this morning for the first time, they are little more at risk going to the back street man than going to the doctor, well then, that tells us straight away that that business is going to boom.

In this whole exercise, Mr. President, it seems that we are really treating the symptoms rather than treating the real disease and that is why I do not agree with abortion on demand. Man is not only an animal, he is a moral creature, too, and I think that if people were taught more about morals and ethics and so on, it would go a long way towards lessening the numbers of abortions and the numbers of illegitimate operations that are now in vogue. In other words, what I am saying is that I think there is a great need for all agencies in Barbados to come

forward and do all in their power to talk to young teenagers and young children. The church, the school, the parents, the Family Planning Association, all agencies need to focus now on teaching our children how to respect their own bodies, because if you do not respect your own body, nobody else is going to respect it for you.

I would just end by saying that this Bill is what I might call an enlightened Bill, because I am ashamed to feel that, after all these years, we still have not got anything that enables a doctor to perform an operation for a mother who we know, if that baby is born, will die, and if he does it in good faith, he can still be in prison as the law is today. I think that is disgraceful, so on that ground I will support this Bill.

I will support it because I believe that we should have some Bill to deal with abortions in these special instances, but I have reservations with some of its clauses. I am not happy with two or three of its clauses, but, in the main, I must confess I have changed my opinion after hearing the Leader of Government Business this morning. I am in favour of it, but the only thing is that I cannot be fully in favour of it because there are two sections in it that I am not happy about.

Thank you.

SENATOR J. E. D. WILLIAMS: Mr. President, I shall not be long, because I recognise that this is a subject which falls squarely within the domain of women, and it is purely in terms of my answering one or two questions raised by the last speaker, Father Jones, that, in the main, I will be speaking.

I think the last speaker was absolutely correct when he said that there are a number of issues which we as a society must address our minds to, and what I am particularly concerned about is the youth in Barbados. I think that the majority of youth organisations have a responsibility to educate the youth along the lines of sex, and, as a matter of fact, I think the Church has a similar responsibility. I think right now the Church is more divided within its own ranks, and that, in a sense, that has contributed to a lot of problems that we have today.

I was very pleased this morning with the way in which the Leader of the Senate dealt with this particular Bill. As a matter of fact, I think he went to great lengths to discuss the Bill in its entirety, and as far as the Bill is concerned, I think what it does now is to give women a certain degree of dignity and respect, and eliminates them having to go in the back streets to get an abortion done as per the conditions laid out in this Bill.

I, too, have a certain difficulty with abortion on demand, but certainly, Mr. President, it would be hypo-

critical of me to suggest that should a woman become pregnant because of incest or rape, or, for that matter, if her own health or that of the child is threatened, that I could not agree with abortion in that sense, and I think we would all want to agree that abortion ought to be legalised in that regard.

As a matter of fact, I just spoke about the Church and I am really happy that the Church will see itself having a role to perform which is different from that of the State. The State has a responsibility to the people in any country, and the Church has to control its congregation rather than the Church trying to fight the State. I think it should be there trying to encourage and to instill certain morals in its congregation, and then it would not have to worry about an Abortion Bill at all. But in the meantime, when Government recognises that there are a number of problems associated with abortion, then it has a moral right to make sure that it addresses its attention to those problems.

I was rather enlightened by the comments of the representative for the City of Bridgetown and the kind of statistical figures that she gave us with respect to abortions in Barbados, and we can't hide our heads in the sand and believe that they are things that do not happen. They happen all the time, and Government has to be conscious and concerned – and it has to act. Again, I give the Bill my full support.

We also heard the Leader of Government Business pointing out that, at this point in time, any act associated with an abortion is illegal, and we also were told that doctors who performed such acts in the past did them in the belief that what they were doing was accepted by law, but, in truth and in fact, we were told they were illegal. As a matter of fact, they were criminal acts, and what Government is trying to do now is to regularise all these problems and to make sure that abortion carried out as per this new piece of legislation is legal.

There is one other point before I go on to deal with some questions raised by the Association of Medical Practitioners. I would like to say that every effort was made on the part of the Government to gather as much information from the organisations that we felt had a contribution to make, and one of these organisations was indeed the Commission that looked at the status of women, and something is rather interesting.

I had a look at the 1981 Manifesto of the Democratic Labour Party, and if you look, Mr. President, at page 28, there is a very interesting paragraph, and it says that the Party promises to implement the proposals of the Commission to its fullest extent and not in a piecemeal manner as is now being done. As a matter of fact, Mr. President, I think they were suggesting that we should have abortion on demand, because it clearly states in this

document, which I think is already a document of the House....

(Asides)

SENATOR J. E. D. WILLIAMS: I am not sure about any missing page, Mr. President, but it clearly states that they were going to implement the proposals of the Commission to their fullest, and that is why you will probably find that the Opposition Leader said he was neither for nor against abortion.

He went on to suggest that he did not have a mandate from the Party Conference because, again, they were divided. He said even when they went to Council – and that is exactly what Hansard will reflect – again they were divided, and he did not have a mandate from them either. But when you marry that with the manifesto, which says that they were going to implement it in its fullest, it means that they were going to adopt everything that was contained in that Commission Report, and I think we all know what you will find in that report with respect to abortion.

Mr. President, the Opposition, the Association of Medical Practitioners, N. U. P. W., BSTU, BUT, the Youth Council, the National Organisation of Women, all of these are organisations that made an input, and we already know what the DLP position is. We recognise that even the Leader of the Opposition felt that it should even go a step further, because after he was enlightened by the representative for the City, he was of the view that, indeed, there ought to be abortion on demand. So I do not think, Mr. President, that we should have any difficulty in agreeing with the Bill in its present form.

I think what we have to do is look at a few questions that were raised by the Association of Medical Practitioners. They raised the question of confidentiality. Now I think you will recognise, Mr. President, that, along with this Bill, you will find in the future that there are regulations that will be supportive of the Bill.
2.55 p.m.

I have reason to believe that, in those regulations, it will be clearly set out that only in certain special cases will the information, which has to be supplied to the Chief Medical Officer, can be made known to anybody else besides the Chief Medical Officer himself, and the regulations will clearly set out those particular conditions and circumstances. I think the regulations, themselves, will indicate that, within a specified period of time, a medical practitioner or gynaecologist will have to supply information in respect of an abortion to the Chief Medical Officer.

The regulations will also have a provision, Mr. President, for what I regard as a very important thing,

and that is counselling. I think that people believe that when a woman goes to a medical practitioner suggesting that her pregnancy be terminated, that that will be the case. But there is a process, which the regulations will clearly set out, that ought to be followed.

I have reason to believe that the regulations will also include that the medical practitioner ought to be someone who is versed in counselling, and if he is not in a position to do that, then the advice must be sought from someone so trained, and the woman, herself, ought to be told the different recourses that can be had and the possibilities opened to her. She must be counselled before any final decision is taken.

She will also have to be told, Mr. President, of the long term effects on the termination of a pregnancy, and I think you will also find that it will include the whole question of Family Planning services in the future, because it is not a case that an abortion takes place or someone asks for an abortion and you do not have the responsibility to understand what are the problems associated with someone coming to you and asking for an abortion. But you need now to look into the future and plan for it.

I think the regulations, themselves, will be very, very, informative, and I must say that the Association of Medical Practitioners were very much in their right to have asked the kinds of questions which they did. But, in general, you will find that the regulations themselves will address itself to a lot of the questions which were asked.

I think that within the regulations you will find the kind of form that must be filled out by some person carrying out an abortion or termination of pregnancy, and the kind of information that is required.

One of the other things the regulations will address is the kind of facilities that are necessary for carrying out such terminations of pregnancies, and it actually spells out what you must have, and that the Minister, himself, must be satisfied that a particular place or hospital can adequately facilitate an abortion.

Finally, Mr. President, I will end where I began. I think it is something that affects women and I am sure that those on this side and on the other side have their own contributions to make, but it is a piece of legislation that was long in coming, and indeed I really support Government for having the courage of its conviction to do something which the society at large believed ought to have been done long ago — even the Opposition agreed with it.

I thank you.

Mr. PRESIDENT: Senator McClean.

SENATOR A. W. A. McCLEAN: Thank you, Mr. President.

If one is to pay any attention to the values of this community, it will be hard to object to this Bill on the level of general principle since it seeks merely, as it states in its Objects and Reasons, to reform the law relating to abortion — and it cannot be gainsaid that the law as it now exists is in need of some reform.

The extent of the reform, however, is a matter that can be an issue. It is quite evident that people do not believe that they should give people life imprisonment for committing an abortion. This is not to say that you can get a majority view, or similar level of consensus, around some legislation which carries a lighter penalty.

My own view, however, to the extent that we make a distinction between what is moral or what should be illegal or criminal is that, in the context of the type of society that we live in, I do not think that abortions should really, at least in most instances, fall in the area of criminal activity. This brings me to ask questions about the extent to which this Bill intends to amend the law relating to abortion.

We heard the Leader of the Senate indicate his interpretation of the Bill. The Objects and Reasons did not go beyond a bald statement about amendment or reform, and he interpreted Sections 4 to 6 in a very narrow and indeed perhaps literal sense, and suggested that the Bill merely seeks to provide an arrangement whereby pregnancy can be terminated in cases where there is a definite and reasonable conclusion, in good faith, that there is risk to life, or grave injury to the physical and mental health of the woman, or, in the case of pregnancy over 20 weeks, to the unborn child. And he denies that this Bill attempts to provide abortion on demand. I must take issue with that particular submission.

First of all, we must make it clear what we are suggesting when we speak of abortion on demand, and, presumably, we have some idea as to what the Leader of the Senate meant by that term when he did say that, in a sense, in the back streets and so on, in terms of underground arrangements, we now have abortion on demand.

SENATOR THE HON. N. A. BARROW: On a point of order, Mr. President. I did not say any "underground sense". I said we have abortion on demand: for those who can afford it, it is in the office of the doctor or at the hospital, and for those who cannot afford it, those who are on the other side of the line, it is the back streets. There is a very important distinction.

SENATOR A. W. A. McCLEAN: Yes, thanks for the clarification, but it does not modify the substance of what I was about to say.

The point is that, quite evidently, either in the doctor's office or the back street, it was not intended to suggest that the woman could go and confront the doctor or the back street practitioner and say, "I want an abortion", and the back street practitioner had no discretion in the matter. Likewise, under the law, the doctor cannot be confronted in that way. But what is indicated here is that under the existing arrangements, there are doctors and other people who are willing to terminate pregnancies, and women can go and have pregnancies so terminated by indicating that they want them terminated.

I am suggesting that this Bill will provide precisely the same facilities for all the women who are so desirous in a manner which would remove the possibility of infringing or committing a criminal act, and I want to direct attention to Section 4(3).

3.05 p.m.

Section 4(3) is really read in conjunction with Section 4(1)(a). That is really the critical provision in the Act, the basis on which the practitioner is permitted to make a determination about whether or not he can proceed to terminate a pregnancy. Section 4(1)(a) indicates that the practitioner will not be committing an offence if he terminates a pregnancy before 12 weeks, if he arrives at the conclusion in good faith, if he is of the opinion in good faith that in so doing he is taking action to obviate any risk to the life of the pregnant woman, or grave injury to her physical and mental health. Section 4(3) indicates the considerations which he can take into account in arriving at this decision.

Before we get to Section 4(3), however, let us look at Section 4(1)(a), the mental health part of it. I am not so sure that all medical practitioners are competent in this area, to make judgment as to what type of effect the continuation of a pregnancy would have on a woman's mental health, so again we are giving him discretion to make decisions, in good faith, in areas where it is acknowledged that he need not have any specific professional competence. It means, therefore, that the standard of test, which you must apply to him in terms of reaching good faith, must be fairly easy. It would be very difficult to establish absence of good faith where you cannot challenge him at the level of his having the expertise to know that that is not so.

When you get to (3) it is even worse where now he is asked to take into consideration the social and the economic environment, whether actual or foreseeable, and there is no guidance as to how he should take it into consideration. Is it when you are rich that you are

at risk, or when you are poor? It could be either. You are putting a judge in an invidious position to interpret this legislation. You might say that the woman who is at greatest risk of mental health is the rich woman, who has a lot to lose, in terms of prestige, by the pregnancy, or you might say it might be the woman who cannot afford to support the child. Whatever the social and economic conditions, you can rationalise it in terms of threat to mental health, especially when the person making the decision is not a psychiatrist or what have you. So you have a set of arrangements where all the doctor is asked to do is to operate in good faith in the context of his own expertise in the area.

I am saying, therefore, that the effect of the operation of this Act is that no one can really challenge the doctor on the basis of arriving at a conclusion in bad faith.

Asides.

SENATOR A. W. A. McCLEAN: I am not drawing any conclusion about "therefore they are acting in bad faith." The Leader of the Senate already said that you can go into the doctors' offices and get abortions even though it is illegal. In fact, you can go into those same offices and get abortions when it is legal, too.

SENATOR THE HON. N. A. BARROW: On a point of order, Mr. President. In making that statement, I also went as far as to point out the distinction between some doctors, quoting a statement made in the Other Place, who thought that what they were doing was legal, and the fact that there are some doctors in Barbados — and this is something which Senator McClean needs to understand — who are in the position of the same Bourne, who we referred to in the law, where they know that the thing is illegal but object very strongly to the state of the law. So I would like him to quote me quite accurately.

SENATOR A. W. A. McCLEAN: Again, that does not modify the essence of what I am saying, unless the Senator is trying to suggest that all the doctors who now involve themselves in abortion believe that they are doing that legally. If that is his intention, I stand corrected.

Asides.

SENATOR A. W. A. McCLEAN: All right, and those some will continue to survive and to operate now within the framework of the law. So at the level of the involvement of qualified medical practitioners, this Act essentially legalises what they have been doing.

Getting beyond that aspect of it, I would like to raise a few more questions about specific deficiencies in

this Bill. The first one is that it seems to me that this Bill was drafted against the presumption that abortions are normally initiated by women, women go to people and ask for abortions and then the discretion comes into play there. Why I say this is that there is no way where it says that a doctor requires the permission of an adult woman in order to terminate a pregnancy which she has on any of the grounds stipulated here. The Bill says that for the girl under 16, such permission is required by the parent. It also says that the doctor may request the written consent of the woman, who presumably went and said, "I want an abortion," and the doctor said "If you want it, give it to me in writing." The Bill does not preclude the possibility.

It seems to me that if a doctor who for some reason has determined that the woman is going to have some mongolian, moron, whatever, and he is operating on her for some other reason, he in his deliberate discretion, without her consent or prior knowledge.....

(Mr. PRESIDENT: Nonsense, nonsense).

SENATOR A. W. A. McCLEAN: Well, under the existing law of Barbados that can happen, but I am just directing attention to the specifics of this legislation here to point out that unless there is a question of conflict of legislation and the interpretation which could be imposed on this to give priority to other legislation on that point, this one does not specifically preclude that. All I am saying here is that this legislation indicates that a doctor has not committed an offence if he terminates a pregnancy in accordance with this Bill.

SENATOR THE HON. N. A. BARROW: On a point of elucidation, Sir, if Senator McClean would give way, I think we can possibly stop him from confusing us all. I think he has confused himself already.

The position is that 8(1) is specifically worded to say that the medical practitioner may require written permission, because the person who is in trouble in that kind of situation is really the doctor. In other words, somebody can go to a doctor and ask for an abortion, and just in case it happens that the doctor has reason to believe that he is being set up, or it is not a regular patient of his, or any of the general reasons which you can always advance in these cases, if he feels need to protect himself against a law suit for mal-practice — because if he performs the operation without consent, he has landed himself a law suit for mal-practice — he can require written permission. In other words, there just is not anything else involved in this clause.

SENATOR A. W. A. McCLEAN: Mr. President, if the Leader is fully persuaded that this Bill is not deficient in that way, that is entirely a matter for Govern-

ment and, later on, for the courts, I have just indicated that this Bill does not speak to the initiating conditions in relation to the whole business.

Proceeding to the next matter, under Section 6, the conditions for termination of pregnancy after 20 weeks are set out and there is no upper limit. Apparently, you can terminate a pregnancy at any time, but if it is after 20 weeks, you need the opinion of three medical practitioners.

3.15 p.m.

When you get sufficiently beyond 20 weeks, you might have a form of life which can exist, even if you take it out of the woman's body. Again, this raises the question of the precise meaning of "termination" under this Act and what is the appropriate way of proceeding in cases where you have made a determination that, let us say, for instance, that the child might be mentally handicapped, and it is at a stage where, if you take the child out of the woman's body, the child is still alive.

The meaning of "termination" under this would permit you to still make sure that the child would not survive. That is why I want to know whether the Act is intended to cover the point where

SENATOR THE HON. N. A. BARROW: If the Senator would give way again, this section is the precise answer to all people who say that abortion is murder. Because when we are talking here within the context of abortion, abortion is really the termination of pregnancies. That is what it is.

If you happen to abort that child, if you are talking about the termination of the pregnancy at a time when the child can live on its own outside of the uterus, nothing in this bill is giving sanction to infanticide. There is nothing at all in this Bill that says so.

It says, for example, that if the mother is seven months pregnant and you have to take that child from the mother to save her life, you take it — you terminate the pregnancy under those circumstances. There is nothing in here to suggest that, having terminated the pregnancy, you must terminate the life of the child, and I do not think you should read that into it. There is absolutely nothing, Sir.

SENATOR A. W. A. McCLEAN: Again I gave way on that particular explanation, but I do not believe that I want to do that all the time. That can be better done in terms of a reply.

Mr. President, if you look at Section 6 and read it in conjunction with Section 3, where, in making judgments about the effect that the child will have on the

mental health of the mother and so on, you must look at the social and economic conditions, although they are specifically stated under Section 4, no other criteria is set out in relation to Section 6 as to what the doctor should take into account on that particular score. Again it is quite possible that this lends itself to interpretation that after 20 weeks, let us say, a woman should still be in a position to have her pregnancy terminated in such a way that she would not be confronted with the problem of a new-born child, which she would have to maintain under social and economic conditions which would lead to the circumstances set out here, impairment of her mental health.

Now, beyond that, Mr. President, I am saying that, essentially, this Bill sets up a situation in which everything that goes on now as it relates to qualified medical practitioners, which is assumed to be outside of the law at the moment, assumed to be illegal, will be brought within the ambit of this legislation and will no longer be illegal if the necessary procedures are taken and the doctor says, "I make these findings....."

Essentially, therefore, I think that Government should face up to this and recognise that this is a very broad piece of legislation, which is not effectively confined to genuine cases of threat to the life and well-being of the mother or the child. If this is so, I think that we can achieve the same objectives in a way which would leave the whole legislative process unsullied, so to speak, by legislation which seems to be, if not itself lacking in integrity, is not well constructed to prevent abuse of that legislation.

This legislation can easily be abused if the intention is not to use it in the way which I outlined, and Government should be quite clear on what it wants to achieve. If it is that it is supposed to be used in a liberal manner, frame it in a liberal manner; if it is to be used in a rigid manner, they should frame it in such a manner to prevent it from being used otherwise with great facility. That Mr. President, is the first clause I referred to, Clause 4.

In relation to the question of 12, I put great score by 12(a), the question of the provision of counselling services and so on. I think that Government should address itself to this at a very early stage, and I think that although much of the debate on this topic has proceeded in terms of whether it is morally right or wrong to commit abortions — and I heard the Leader of Government Business going back to the Old Testament and so on — I think we have to make it quite clear that, at the level of law, what we are addressing here is whether or not abortion should be a criminal act, punishable in the way that it is now punishable.

And I would hope that Government would not feel it necessary to pass on the morality or otherwise of abortion, because my own personal view is that abortion is essentially an abhorrent activity and should only be engaged in in extreme cases of threat to the life of the mother or child, or in the late stages, if you are bringing that into the Bill, where the risk is very great.

But on the question of whether abortion is something which is left to women, it is women's business and so on, I, myself, cannot basically subscribe to that. I feel that abortion has deep societal implications, apart from the question of religion and all of that, and it is the business of all of us. As such, therefore, I believe that the whole business of counselling services should be provided, and for other people who feel that abortion is generally immoral, every opportunity should be made to allow those people to so operate within this community to try to persuade people of that point of view.

Now, again, we talk about women; it is women who really want those abortions and so on and, therefore, it should be left to them. I really suspect that a large proportion of the abortions are desired not by women — but by men, and the women are coerced into that position by the men.

This is where the counselling services become highly important. The women must be made to recognise that that man's attitude towards you, or even your parents attitude towards you, is not your final letter, and you should reflect soberly on whether or not you want to go with your basic feeling and have your child, or if you want to be coerced into having an abortion.

I think, with those comments, I would say that generally there is need for reform in the law relating to abortion. I, myself, am persuaded towards a liberal approach, to a high degree of liberalisation, but I do not think that this particular Bill is fully honest in indicating exactly what its purpose is.

3.25 p.m.

SENATOR Mrs. G. G. READER: Mr. President, I rise to support this Bill. I think I have more right to speak in here than any other Senator, having spent 45 months pregnant and delivered five live children.

Mr. President, for many years I worked with the Child Health Committee and I was in a position to meet women in Barbados from all walks of life. This question of the medical termination of pregnancy has been going on, to my knowledge, since 1957 when I sat on a Committee that discussed it. We have talked in and out and round about, but always very emotionally, and I think the time has come to face the facts.

'Abortion' is a word I don't like. To the average person it means something nasty, something dirty, something from the back streets. 'Medical termination of pregnancy' is clean, legal and one of those things that we have got to face, like miscarriage. That is to say, when a woman is having a miscarriage, the doctors, among themselves, describe it as if that woman is aborting. If you go to the mother who is having a miscarriage and tell her she is aborting, or she is having an abortion, she gets terribly upset. The word means something wrong — the doctors feel I tried to do this. This is not so, therefore if we can get away from the word "abortion" and use "medical termination of pregnancy", we bring everything into a much cleaner, better light.

Now it was very amusing, it was very ironic rather, that on the day one of our newspapers came out with the first really fiery debate on the Abortion Bill, on the same page there was a story of a child's body being found eaten by dogs in someone's backyard. That is what happens when you have abortion laws like we have. Which is better, not to have a child or to allow an individual to be eaten by dogs? The children that we see in the Child Care, who have been brutally ill-used by their parents, bear beggars' description.

Mr. President, I was a nurse. I remember spending the whole of Old Year's night in 1947 holding a needle carrying blood into a woman's vein. She was the mother of fourteen children, she was having her fifteenth, she was a Roman Catholic, she lived in a Roman Catholic country — there were no abortion laws. She tried to abort herself, her husband helped her and he pushed a button hook right through her uterus, and she nearly died. Her veins were in a state of collapse and I had to hold the vein and hold the needle into her vein from 6 p.m. until 6 a.m.

Now she was a mother of fourteen children, but they could not do anything for her because, being a Roman Catholic country, they could not remove her uterus. We had to sit there and try to help her. Luckily we saved her life eventually. But not long after that, I had a mother of eight die in a ward with her husband and children weeping round her bed because she went into clampsia with her ninth pregnancy, and the priest came and gave her extreme unction, and that is all we were allowed to do.

Now, Mr. President, I could not feel more strongly than I did that there are times when the termination of pregnancy is an absolutely necessity. I feel that in any marriage that is a good marriage, the husband and wife will discuss this and there will be joint consent, but when I have seen what men have done to women in this island, I do not blame the Government for not bringing in a clause that the husband has got to sign consent.

When a woman goes to have a tubal ligation after fourteen children and her husband refuses to sign the consent for it to be done, she has to get her brother to go into the hospital and sign her husband's name on the paper for her to have it done, and then the husband reviles her when she goes home and tells her she has made herself into a mule. He stands up outside on her doorstep and screams for the whole village to hear that she has turned herself into a mule and if she would not have his children, he will find another woman to do it, and she had just given birth to a child. In fact, she could not give birth to it. The head was so big that they had to remove the child's head — and the husband said that she had no right to terminate the pregnancy or to tubal ligation.

Mr. President, women in Barbados had a hard road to go. They are now coming into their own, and I am standing here today to speak for women, for children and for human beings. We must bring laws that are humane. We must care about people.

A lot of people have spoken about this Bill. They are worried about certain clauses. Do we not trust our medical practitioners? Do we think that they are people without any intelligence? Do you think a doctor is going to commit an abortion on a woman without her consent? He would have to be mad. Can you imagine what he could be sued for? No doctor is going to do that. No doctor, in good faith, is going to advise a woman to have an abortion unless he thinks it is the right thing for her.

There is a regulation for counselling services. Do you think that any reputable social worker is going to sign papers to say that they think this woman should have an abortion unless he or she really feels convinced? If they feel the woman is putting them on, they are going to go into things more deeply. You do not just sit and listen to what somebody has to say and just write your name on the bottom of a piece of paper. That is not how social counselling is done. We have a lot to be thankful for in Barbados, that we have the medical and social services which we have today. They have taken a long time to build up.

I remember when I was a little girl, women used to come down from the doctor to my father, who was a Priest, to have their babies baptised, because the doctor said they were going to die, and they used to sit behind the hedge and wait until my father went out so that when they came in to have the baby baptised, my mother would do the baptism for them. She always took them in, gave them milk, showed them how to feed the baby, talked to them about the baby, and the babies often lived, and they had the idea that if Mrs. Moore christened the baby it would live, but if the Rector did it, it would die. So they used to sit in the hedge and wait for Mummy to come in.

We do not want that happening today. We have got rid of a lot of our malnutrition. I have seen a baby at the age of a year weighing less than it weighed at birth. Do you know the pictures you see of the people that got out of Belsen? He looked like that. You don't see that today. The whole social structure of Barbados has come up. People are not as poor as they were, but do not tell me that these back street abortionists do not charge the people sometimes more than the doctors charge them! It is that they are frightened to go to a doctor because they know that most doctors will not do an abortion, because if they have read the law and they know they are liable to life imprisonment, what doctor is going to do it? It is very different.

I know of a case personally. I was involved in counselling of parents who had their eighteen year-old daughter and seventeen year-old son sleeping in a double bed, and the girl got pregnant, and the doctors were counselled that this girl should have an abortion because of incest. This is not a low class family either, you know. I am not certain what was done, but I know how I felt about the whole thing.
3.35 p.m.

I have seen girls of 11 and 12 pregnant for their own fathers time and time again. I have told you already of a case I know, where a girl of 11 years was made pregnant by her father. He had syphilis and he was told by his friends that if he had intercourse with a virgin, it would cure him, so he took his 11 year-old daughter, and his wife and his 11 year-old daughter gave birth to two syphilitic babies in the same week. That is a difficult one to swallow. Why should that girl be subjected to that? She had to leave school; she has never been back to school since. Would it not have been better to treat that child and abort that infant, who was congenital syphilitic any way?

The ill-treatment of children by men here is unbelievable. Most of the cases of girls running away from secondary schools, a lot of them any way, and when they leave home and go to live with friends and relations, is because the mother's boyfriend keeps troubling them all the time. As soon as the mother leaves the house, they are after the daughter. Often the mothers know about it and do nothing about it, because they want to keep the man in the house because he is bringing in money and they need financial support.

We have a lot of social ills that we have to look at, and by legalising the medical termination of pregnancy with the right safeguards, we are going somewhere towards relieving those problems.

Well, it is difficult for me to say anything more. I feel very strongly about this whole thing, but I do think

that we should have a little more trust in the discretion of our doctors and in our social workers.

Thank you Mr. President.

Mr. PRESIDENT: Senator Lynch.

SENATOR Mrs. E. M. LYNCH: Mr. President, the voice of women; we have been hearing a lot from the men. I want to thank our Leader of this Chamber for his excellent introduction of this Bill. I have heard him being excellent on many occasions but, naturally, I am more affected by his performance today.

I think that the first thing his speech must have stressed for us is the necessity for us to do our own homework and not to take part in sensational outbursts and jump on bandwagons when there are issues to be discussed. This is our country and we must all, in an era of very confusing change, put our heads together and try and find the best solutions for our problems.

As early as 1975 this document was produced. The first thing in it is the Offences Against the Person Act, and it was from that point that I wanted to begin, but the Leader has already done it so well that I will not attempt to go over that ground. Obviously, legislation is needed, and the spirit of this Bill is clear. Its framing is motivated by a spirit of compassion for women, which is not very common among males. But I do have certain reservations. First of all, I think that we should be aiming, since we are told that there are about 5 000 pregnancies a year, give or take 1 000, to reduce the number of abortions.

I am going to give you a little bit of my personal experiences, not perhaps as harrowing or tear-jerking as those of my very experienced colleague on my right. I spent over 40 years with youth clubs, guiding, rangering, and eventually I was head of a school with a little under 600 pupils. It is obvious that in that kind of situation, I had, on many occasions, to deal with young persons with unwanted pregnancies.

I use the word "unwanted" with hesitation, because I regarded this as a challenge to help a young person have a profitable learning experience, and at no time did any of those young persons express a wish to terminate her pregnancy. I say this because there seems to be a general feeling that as soon as this Bill is passed, every person, especially young persons, will rush for abortions.

Now I ask you to have some confidence in the Barbadian woman because, in my experience, most Barbadian women would like at least one child, at least this is what they say. Some even say four; four is the common number; if you ask a woman how many

children she would like to have she often says four. I do not know what is so magical about that number.

I want you to notice also that if you are listening to the announcements of deaths, which are so popular in the morning, you are invariably told how many children, grandchildren, great-grandchildren, a woman has, with special mention of those who have departed to foreign parts. That seems to me to say that where she may have had very few opportunities, a woman seems to count as a great achievement the fact that she has reared a family successfully. We hear a great deal of moral decline in the society. We are very, very conscious, and we hear some Jeremiah — like sermons about all the terrible things that are coming to pass in Barbados only recently, and this business of sexual immorality is one.

I wonder where people have been all these years. We know something of our history, we know how Barbados was settled, we know of our social history. These Caribbean lands have never been noted for sexual morality. Indeed, we passed a Bill in here not too long ago, the Status of the Child Act, when we expunged the word "illegitimate" from the Statute Book. We did not however expunge it from the society. Sixty to seventy per cent of children in this society are born to single parents, so where is this high sexual morality which we are seeing so terribly in decline. And all that has happened recently in conjunction with gambling as if we do not know what happens under those wonderful, large, spreading tamarind trees, clammy cherry trees in the village, and under the balconies of the village shops — that is where gambling is done, and has always been done, throughout Barbados!

3.45 p.m.

What I am saying, Sir, is that we seem to be passing through a time of national hysteria, and we are hearing the sort of speeches that are only serving to undermine the national will and to prevent us from joining together to tackle problems which are world wide. Anybody who is observing what is taking place must realise that we are in a transition era. A new era is going to come. We do not know what it is going to be like, but what we must do is to keep our heads on, accept the fact that there is going to be violent change, and also have the good sense to hold fast to those values which are true for all time, and which have been tested and tried.

In the West Indies we had only one thing, perhaps; the most important thing we had was our children. They gave us hope in the darkest periods of our history, that what we could not achieve our children might, and the day came when they did.

Now, whenever we try to shape a Bill which deals with social problems, it is difficult, because we are dealing

with something in which we cannot provide for all the circumstances that can possibly arise. We can think of the most likely things, but counselling at every stage, not merely in the later stages, but at every stage is necessary, because there are going to be circumstances which no one could possibly envisage. Then the doctor and the counsellor together will have to decide what is the best course to take.

The Bill is going to have all kinds of loopholes, because it is dealing with such a great variety of people — and circumstances which we cannot possibly foresee — so it has to be an imperfect Bill. Therefore, we have to be careful that however imperfect the actual wording may be, that we somehow catch a glimpse of the essential spirit of the Bill, and see that that spirit is reflected in the decisions made by the people who have to make that kind of judgment.

I have been trying for a long time to get figures about abortion. I succeeded in getting those for teenage pregnancies when everybody was so excited, and I discovered that the figures for teenage pregnancies had gone down. Even in 1978 and 1979, when they were up about 30 each year, they were still lower than they had been around 1972 and so on, and yet still people were running all over the country with this subject. We must do our research, and I hope that the people who have the facts and the people who work in these matters would give the information when people begin to get excited.

Sometimes they ask me to come and take part in a panel and I get the opportunity to straighten the thinking a bit, but we do need to delve into the things we are talking about and not let ourselves be manipulated by people; do our own thinking, do our own homework and insist on differentiating very clearly between fact and opinion.

I was shocked to hear that there were between 4 000 and 5 000 abortions a year. My problem is that while I agree with the main provisions of the Bill, I feel that legislation is not enough; it seldom is in social matters. If we do have that number of abortions a year, then it tells us that a number of people are having abortions unnecessarily. My reason for saying this is that in dealing with young people, as I told you before, I did manage to make their pregnancies and the birth of their children, the completion of their education and their entry into a job, something that they had accomplished, so that the pregnancy and birth of the child was seen as a good learning experience, something which had been productive. Abortion is not productive, it is destructive, and therefore I have always worked on the principle that my job was to help the young person to face up to her responsibilities, help the family to stand by the youngster,

and let her do a good job and set out in life with a positive experience of what parenthood is all about.

We do not know what comprises this 5 000, we do not know how many of these people are people who just abort because they cannot be bothered — there is no very strong reason for it, but it is just a little inconvenient, and so they try to get aborted — we do not know within which age group they fall, we do not know how many were below the age of consent. It really is necessary for us to know all of these things if we are to do what we ought to do, that is, to buttress this legislation with a proper group of initiatives, if I might call it that, by which we tackle the basic problem of sexual activity in the society.

Obviously, we have done a bad job in helping young people to move into adult life. It is obvious that sexual activity begins long before the young persons have acquired the necessary skills for earning a living, often before they have completed their education, and long before they have really grasped the importance of what parenthood and sexual activity is all about. Sometimes they hardly link the two, and very often the sexual activity takes place without any really strong relationship being established.

3.55 p.m.

I think that is the tragedy of the situation. It is a situation which I think we ought not allow to continue, because we can see that in the years ahead, what mankind does about this problem of reproduction may be one of the determining factors in the survival of our civilisation. So it is a matter which concerns us all, and it is something which I hope that the Minister, who lead us so ably, and who is concerned with Community Development, will have some of these matters in mind when they are shaping their programmes.

The education of the boy, the rearing of the boy in this society leaves much to be desired. We talk about the hardships that a woman endures, but at least we are starting out with some kind of spiritual resources with which to battle. Somebody has told us about what we should and should not do, but the boys get very little real upbringing.

I hear parents, sometimes when a boy is born, saying how glad they are it is a boy, and what they mean by that is, "Ah, I do not have much trouble. I can just turn him loose and he would not be pregnant." And I believe that while we are looking at women and saying that this is a woman's affair, in my estimation it is very much a man's affair. Abortions often take place because the girl, finding herself in a dilemma with a pregnancy, has not got the moral support of her partner in the

affair — he is gone — and her parents are often concerned largely with the financial aspect of the situation.

I hope that this legislation will not be as ineffective as the law relating to consent. The age of consent for girls is 16, and yet we are deploring the fact that there is an increase in the number of little girls having unwanted pregnancies. How did that come about? What happened with that law? As far as I can see, it might as well not be on the Statute Book, for if that young person happens to have any kind of legal action arising out of the pregnancy, both outside and inside the courts, she is at a disadvantage. The case usually comes to nothing. And I understand that evidence disappears into thin air; evidence which was at first available suddenly disappears, and one suspects that those who should have been protecting her most, have made an alliance with the aggressor, for financial reasons, and so the law relating to consent is completely ineffective.

I do not know what we are going to do about tightening up that. Perhaps the parent should have to prove that they had provided adequate care and protection. I do not know what is the answer, but I have a sinking feeling that just as that Act was so ineffective — and public opinion condones it; nobody gets outside the courts and keeps a lot of noise when a little girl is being asked all kinds of questions that she should not be asked because she is below the age of consent; nobody keeps meetings; nobody says anything, so it means that the community aids and abets the flouting of that law — if that is the kind of spirit, we have reason to be a little nervous if there are too many loopholes in this Bill, because public opinion will not be helpful. We must make certain that whatever the provisions are, they are effective; so I want to see counselling right through from the very beginning.

I am always sorry that when we pass a Bill, we pass it not knowing what the regulations to the Bill say. They tell you roughly what they will say, but if we had them, then you can satisfy yourself that perhaps the loopholes in the Bill are covered in the regulations. But since you do not have the regulations before you, you have to say things that perhaps may seem unnecessary because you have not seen the regulations.

So, let us as the first objective make it clear that we want the boys better brought up. They are now in co-educational schools and perhaps the opportunity presents itself there for them to learn something about relationships with the females, other than sexual relationships, something about being able to work together with the female and something about accepting joint responsibility for sexual activity, joint responsibility with the woman.

The woman is pregnant but, although the man is not pregnant, he is equally responsible. I think that we cannot say this too often and we cannot do too much to try to bring our boys up, and our men, to accept their responsibility for these pregnancies, wanted or unwanted. The emotional support of the male is a strong determining factor in the woman not wanting to terminate a pregnancy.

The next thing I would touch on is the argument about using abortion to avoid having unwanted children.

Now if we are realistic, we will note that in almost every family there are one or two children who were not planned, and the parents would prefer not to have had them. It is difficult, but pregnancy takes place, and perhaps in the first month or two the mother is not too keen about it, but by the time that it is time for the baby to be delivered and she hears its first cry, you had better not touch that baby — it is a very much wanted child. And I am certain that if all the so-called unwanted children had been disposed of, a lot of us would not be here today. I suspect that I would not have been here, because I was the last child in my family.

So we have to be careful, because a child may begin by being an unwanted child and end up by being a very much wanted child. On the other hand, it may begin by being a wanted child — I have seen many children who were very much wanted when they were small, but by the time they reached adolescence, we wonder where all that affection had gone to.

4.05 p.m.

So, you see, you are dealing with a very subjective and difficult matter when you begin to think of who is wanted and who is not wanted, because people change and children change, and therefore I feel that counselling is so important that the woman who has not made up her mind, by the time she goes for counselling, I hope that she will decide after all that she does not really want to terminate a pregnancy. What we ought to be aiming at is reducing the number of these abortions and putting greater emphasis on the better and more thoughtful use of human sexuality, and the production of children with some thought and planning behind the activity. Then, I think we will have a better community!

I want to say something about the handicapped child. You will soon think that I am like Pooh-Bah in the Mikado, who had several offices in his keeping, because I had a mentally retarded child. It is expensive to rear handicapped children. It makes very great demands on your time, on your emotions, on your thinking, on what you do and on your life in general. But do you know that out of that kind of experience you arrive at an understanding of what it really means to be human, the responsibility of being human?

I am told that two out of every hundred children are going to be defective. If we kill off all these, just think what a large cemetery we will need. But you learn that every human being has value and makes a demand upon you merely by being here, not having to justify the worth, not having to say, "Is this person or this human being worth what I am putting into him, he is not going to be useful; he is not going to be able to do this or do that."

The challenge of being human is to make that kind of experience useful. I think I was a better teacher. I think that parents came to me with greater confidence because they felt that I must have cared for children a great deal, and so I think if I were asked whether I would rather not have had that experience, I do not think I would say "no", that I would rather not have had it, because this is what life is about: taking the kinds of experiences which we have by virtue of being human and doing something constructive with them.

I would hesitate to say that we should get rid of a child in a situation where you think it might be handicapped. I think it must be a very difficult decision to make, and I think I would say, "let me take the chance." The community must be ready when that chance is taken to help the family to handle that situation.

There may be some instances where you can tell exactly what the extent of the handicap will be, but, except for the Down Syndrome, I do not know of any other test in which you can say with certainty what the handicap of the child is going to be, and so I do not think we should run too quickly to say that if you think it might be handicapped that you should terminate the pregnancy. That is a decision that the woman has to make, and I can only tell you what I had to do with my own experience of that.

I think we would be wise while we are praising this Bill to realise that there are serious risks involved. We have to measure this Bill not only by its humanity, but we should also try to get a glimpse of what the results of it are likely to be in social terms. It may be mostly in terms of money, because if the number of abortions goes up, then you have got to have the facilities for dealing with them.

I want to point out that there are many communities where abortions have been liberalised, and I think we should try to learn something from the experiences of those communities. The tendency is for the figure to rise. That is why I am saying that we should direct all our initiatives and all our efforts to doing something about proper sexual training for the young, so that we deal with that, and we do not use abortions in place of birth control, because that could happen very easily.

People get a little casual after they have got accustomed, and many of the social diseases we think might be cured by allowing this legislation, may, in fact, increase because people go off guard, and then you have more venereal disease, you have more of the very things that you would hope this legislation would have prevented. You see, you can get some back lashes, and I think we have got to be very watchful of the results of the legislation.

If the numbers increase too much — and 5 000 is a lot — just think of how many Garfield Sobers, how many Sir Frank Worrells, how many Sir Arnott Catos and so on we might have lost in those 5 000 children. Perhaps the very things that we are calling for now, the leadership we do not have in the society, the things we lack; we might have killed off the very people who would have given us some young men who could catch balls on the cricket field. We do not have any catchers. I do not know how many of these were lost in those 5 000 people here.

If the number of abortions increase too much, you are likely to get a change in the age composition of the society. This is a result we have got to be watchful about.

Now we are a young society, so there are a lot of people there to have pregnancies. Here we are told that as many children are aborted as are born. One abortion for every child born is a serious matter. It is only 5 000 now but by the time you bring this Act — because 5 000 may not be right, it is an estimate, because we only know about the people who went to the hospital; we do not know about the successful back street abortions because they do not go to the hospital, so you have no count of those, so there may be more than 5 000. I hope not.

In a country like Poland, which has liberalised abortion for a number of years, their rate of population growth fell below zero growth. Zero growth is the target they aim at. You have two people to replace the parents; but in Poland it fell below that because Poland is a Roman Catholic country. Countries like Poland, West Germany, Bulgaria, Yugoslavia, Hungary, New Zealand, Rumania, United States of America and Great Britain liberalised their laws, and a number of them have reversed the trend and have gone back and made their abortion laws tighter because of what began to happen in the society as a result of liberalising the laws.

4.15 p.m.

In the United States of America, which has got abortion on demand, the pro-lifers and so on are having a field day, and you have heard Reagan's utterance about giving the unborn child the benefit of the doubt, and it looks as if they are now looking at the situation and feeling that they may have to tighten up their abortion law.

They have it on demand. And in Britain, in 1980, through the introduction of the Correy Bill, an effort was made to reverse the trend in Britain, too, to see if they could tighten it up. So the current trend is now a little away from liberalising and a little more towards tightening up their provisions because of the results they have seen.

It is good to learn from the experience of other people and it is good for us to be prepared and to be watchful for the repercussions of this legislation. I am not saying that it is bad legislation, but, you know, our social base is weak, and we have to monitor very closely what happens when we take action which we think may be for the better and do not realise that there are some spin-offs that might not be quite so desirable.

I think that the back street abortions might still flourish because women like secrecy in these matters, and the society is small, and we may still find that these back street gentlemen have not disappeared as we may think.

So I would like to make an appeal. It is that while, generally, we are in favour of the general thrust of the Bill, we are uneasy about the clauses which other people have mentioned here, and which I need not go over, and I would like to suggest that in the three to five years following this Bill, the results should be carefully monitored so that we do not have an undesirable impact on the age composition of our society for which we are not prepared.

I feel, too, that the provisions about rape and incest are sound. But it can be very difficult to prove rape, and it would seem to me that the only safeguard is to have the facility where women can report immediately that they have been raped. I think they have this in some big countries. The women are examined and treated immediately, so the question of having to have an abortion, or having an unwanted pregnancy, does not arise very often. I think there should be that facility where a woman knows she can go to this place, report that she has just been raped and have the necessary examination, and then there is no question of an affidavit, something in writing, or anything of this sort.

I would like to close, and say that while we know that the legislation is necessary, while we congratulate Government in its attempt in some way to meet some of the demands of Christian public opinion — we know that it is a difficult Bill to design — we hope that having shown such thoughtfulness and being so co-operative with Christian public opinion, that perhaps they might look a little more closely at the suggestions that have been made in various quarters, and I, myself, would like to impress upon Cabinet the need to monitor very carefully what

happens within the next three to five years after this legislation has been passed.

Thank you.

Mr. PRESIDENT: Senator A. P. L. Reece.

SENATOR A. P. L. REECE: Thank you, Mr. President.

Mr. President, I rise in support of this Bill and, first of all, to point out that this Bill, like the United Kingdom Bill, is not a Bill that allows abortion on demand. I think that this is a point that needs to be stressed, because the public is being misled in believing that this Bill allows abortion on demand. Not only does it not allow abortion on demand, but it does not allow every unwanted pregnancy to be aborted, as the public is also being led to believe.

The premature termination of a pregnancy was, is, and will continue to be unlawful if it is not done in good faith. Perhaps the member of the other Place, the Member for St. Michael South Central, would do well to read this law and come to grips with that particular point, that medical termination of pregnancy not done in good faith will always be unlawful. That is the law, and that will always be the law. For that reason, too, the Bill does not cancel Section 61 of the Offences Against the Person Act, which is the Act that dealt with abortions in the past. What the Bill seeks to do is to reduce the type of offence that will be created if an abortion is carried out not in good faith to a summary offence. It is reduced to that extent.

So, as the American Psychiatric Association resolved in 1969, a decision to perform an abortion should be regarded as strictly a medical decision and medical responsibility — once it is performed in good faith. That Association even went further and suggested that abortion should be removed from the realm of jurisdiction under the criminal law. Our Clause 14 of the Bill has taken care of that where it has removed the offences from the Illegal Felonious Act, under the Offences Against the Person Act, to the summary offences under which a person guilty is liable on summary conviction.

That is quite a reduction in the status in the act of abortion when it is not carried out in good faith, and it is only fair that, in considering whether a person should be entitled to obtain a medical termination of pregnancy, a woman should have the right to decide whether she wants to abort or not, just as she has the right to decide whether she wants to marry or not. I think that is only fair to a woman.

The Women's liberation movements have even gone further. They see abortion as the most significant liberation of all. They feel that it is a liberation from the body

and from male domination. They put forward the view that, as an effective solution to unwanted pregnancy, abortion removes the final block to full control of reproduction. That seems to suggest too wide a term and a situation where we would have abortions literally on demand.

4.25 p.m.

If the Bill before us was drawn loosely enough, that could obtain, but what we would end up with in Barbados is a sure proliferation of abortions on demand, and this is exactly what we are trying to eradicate, this is what we want to protect in a society such as ours, which still recognises certain moral and ethical values, notwithstanding the certain psychological effects it could have on persons if the right approach is not used. We do not want to go as far as the women's libbers in suggesting that we remove such blocks so as to fully control reproduction. Indeed, nobody wants to put down pregnancies, we only want to control them in certain specified circumstances as outlined in the Bill.

My own position in regard to support of the Bill is that we should encourage doctors to act within the Act. I support the case of medical terminations of pregnancy being available up to the twelfth week, especially when it is morally justifiable under the circumstances that a doctor can certify. This, hopefully, will eliminate the back street operators, the quacks, to whom people will go because it might be cheaper. Let us hope that there is some system which can be put in place whereby there is not the question of economic ability to obtain a divorce in circumstances where it is justifiable, that is, where a registered medical practitioner can certify that.....

Mr. PRESIDENT: I do not think you meant 'divorce'; that is a slip of the tongue.

SENATOR A. P. L. REECE: I am sorry, I meant abortion.

Aside.

SENATOR A. P. L. REECE: Perhaps because of my association with divorce as a specialist, as Senator Greaves indicates, that is why that word was used.

I was saying that an abortion could be obtained in circumstances where a doctor can certify, in good faith, that such is justifiable. We have heard a number of examples put of "quacked" cases experienced by Senator Gwen Reader, and my further support would be because a humane society, such as I would like to think we have in Barbados, should be one in which women are neither coerced into going through with a pregnancy that they do not want, nor for that matter coerced by social, economic

or psychological circumstances into abortion. This is one area where doctors acting responsibly can control what we get in our statistics on abortions as the years go on, when this Bill is implemented as an Act.

Experiences have shown, according to doctors' reports, that doctors find it a very convincing and educational experience to talk with women who have become pregnant accidentally, or who do not want a child and are determined to have an abortion by any means. The doctors claim that after such an experience, one is forced to the view that the abortion decision should be made by, no one other than the pregnant woman, and indeed any social policy which forbids abortion in effect forces women to bear unwanted children and is harmful to the mental health of any woman.

We therefore cannot allow the Act to be used in such a way that people can just come willy-nilly and obtain abortions, because once a woman has made that decision, she and not her husband or her boyfriend — is the only person for whom the medical practitioner has to form an opinion, and once he does that in good faith, then we can apply Section 4, which is the section not very easily applied or enforced by doctors.

I said that because Section 4(1) (b) refers to substantial risks, that if the child were born it would suffer such physical or mental abnormalities as to be seriously handicapped. I find the word "substantial" coming in this clause a difficult term, because according to decisions in related fields, not in abortion *per se*, the risk must be more than a mere possibility is what opinion says, it must be of a degree that merits serious consideration.

It is not going to be a simple matter, when this subsection is going to be applied by a doctor, for him just to decide it is going to be a substantial risk. It has to be more than that, the degree has to be greater than that. This is another case where medical responsibility will have to be used at an expected high level before the decision can be taken whether the good faith is high enough to merit the abortion at all.

If such an approach is adopted by the medical brotherhood, then I cannot see that there can be any upsurge in the incidence of abortion and resulting deaths — once they act in the way one expects them to act. Again, I say any upsurge in deaths would have to come from the back street quacks, and one is hopeful that such a system would be implemented that there would be no need to go to the back street quacks, and indeed that if there are any still operating, these would be detected, since everyone, not only the medical practitioners, in Barbados has to recognise that only a registered medical practitioner would be capable of terminating a pregnancy, and even so, within the provisions of the Bill.

Mr. President, any suggestions that abortions will become commonplace in Barbados can only be eradicated when some control is put over the approach to abortions. We have the case in England where there were actual clinics set up and advertised widely so that people could go to England and obtain abortions without having to satisfy any residency requirements or anything of the sort. I would like to think that the same does not obtain in Barbados. I would hate to see Barbados becoming an abortion haven where people could come in overnight, obtain an abortion and fly out. I would like to think that the law is applied in the strictest way and that the medical fraternity exercises that high sense of good faith which is expected of them.

To that extent, Mr. President, I support in full the Bill.

SENATOR St.C. E. HOWELL: Mr. President, I rise in support of the Bill to make a very brief contribution, and in so doing I would like to congratulate the Leader of the Senate for making a very informative introduction in introducing this Bill.

4.35 p.m.

Sir, from time to time, we have heard criticisms that, in introducing Bills in the Senate, enough information has never been given, or has not been given in certain instances. In this one, Sir, the Leader spoke at length, and I am certain that those who read the papers tomorrow would see that a lot of the agitation against the Bill was quite unfounded. Indeed, Sir, I think it has been said even today; at least one Senator, Senator Jones, said that it has managed to clarify some of the things which he himself, was not clear about.

Sir, one of the good things is that, on this Bill, both in the Other Place as well as in the Senate, it seems clear that both parties are virtually in agreement. There is no basic criticism. The Leader of the Opposition is saying that if you are going to liberalise it, then liberalise the Bill.

The vast majority of criticism is coming from what Parliament would have to be watchful of in the future, and that is the advent of pressure groups in Barbados. What ever the religious or moral beliefs of individuals, there comes a time when legislation of a certain nature when introduced, has the effect of evoking certain discussions and organising people into groups. Normally, these groups are minority groups, but they are highly intelligent people, they are articulate and they are well organised — but in our system of Government, a democratic system, Parliament must govern.

What is particularly interesting about this Bill is that quite a lot of time has been given. There was quite a lot of consultation with the relevant bodies, the churches, I

think the Leader of the House mentioned some 60-odd. I do not know if all had been consulted, but those who knew of the commission, or the committee in its early stages, and were interested, requested information and they also made their input. That is why I fail to see, Sir, that at this stage we can have some of the people, who had been given the opportunity several years ago to make inputs — and one would presume did, in fact make inputs — still today, some eight years hence, are saying that more time is still required.

Sir, even the Report of the National Commission on the Status of Women in Barbados was published in 1978. I do not know how much more time is needed. I think, in truth and in fact, that, in the case of some people, honestly guided by their religious beliefs and teachings, and perhaps by morals, if you give them until the end of their lives, they are not going to agree with this Bill. I think that is the truth of it.

Sir, the law as it stands in relation to abortion in Barbados is clearly outdated. I would not go into it, because as, Senator Mrs. Lynch, has pointed out, this was very thoroughly dealt with by the Leader in his opening remarks, when he introduced the Bill. But, Sir, with your permission, I would like to illustrate the backwardness of our existing legislation, which is contained in page 331, paragraph 143, of the Report of the National Commission on the Status of Women in Barbados, under the sub-heading "Abortion". It says:

In recent times, following on the wake of global concern with issues such as population, environment and the rights of women, abortion, as one writer has put it, "has gradually emerged from an aura of social ambivalence to increasing acceptance."¹ A recent survey of 102 countries in the world reveals that by mid-1974, abortion on request in the first trimester of pregnancy or for social, economic or broadly defined physical and mental health reasons was legally available in 29 countries, which together comprise well over half the world population. A further 51 countries permitted abortion for medical reasons other than mental health, 24 of these permitted abortion only if it endangered the life of the mother. The remaining 23 countries either regarded abortion as absolutely illegal, permitting no exceptions or permitted abortion only if the woman's life or health is threatened by the prolongation of the pregnancy. Amongst this latter group is independent Barbados.

Sir, what I gather from that is that, of the survey carried out in the 102 countries, the 29 countries, representing over half the people in the world, are in favour of abortion at some time; abortion on request, and then

various degrees as to when it is given. But, as the leader has pointed out, abortion, for whatever reason in Barbados, is a very, very serious criminal offense. Surely that is draconian, it is outdated, and therefore this Bill is timely — and the sooner it is implemented with all the relevant safeguards, the better.

I say that because I think that much of the objection to this Bill is a result of either not reading the Bill at all, or not reading it properly, because I cannot seriously consider how someone could object to the circumstances outlined by the Leader of the Senate, and contained in the Bill itself — cases such as rape, incest, the life of the woman in danger, endangering the physical or mental health of the woman, the possibility of serious abnormalities. I cannot see how someone could seriously object to abortion under these circumstances. I cannot really see that, Sir, and in order to hide behind that, there is talk of a faster decline of moral standards, and people even go outside of the Bill and try to rope in situations that have nothing whatsoever to do with the Bill.

They, therefore, speak of abortion on demand, but, clearly, no one who has studied this Bill will think in terms of this Bill giving rise to abortion on demand. From Clause 4 there are certain considerations which must be taken into account before an abortion can be carried out, and the very section that the anti-abortionists group relies upon, which is Clause 4, subclause 1, which speaks in terms of pregnancy of 12 weeks, you have a situation when one doctor may be consulted. It is not simply a question of speaking to the doctor and his saying, "Okay, you are going to have it," because whatever he does must be done in good faith. This is a condition precedent that the anti-abortionists fail to recognise. 4.45 p.m.

Secondly, as you go further down the line in Clause 5, which deals with situations of over 12 weeks and not more than 20 weeks, you have all the conditions in Clause 4, plus the additional doctor to be consulted, and as you go further with abortions over 20 weeks, you have again all those considerations in Clauses 4 and 5, and yet one more doctor, making a total of three. So I think these are pretty good safeguards to make sure that abortion is not on demand.

Sir, that takes us as far as Clause 6 on the Bill. Senator Jones did point out Clause 8(2), and this again is yet another safeguard that there is no such thing in this Bill as abortion on demand, because for an unmarried minor or a person of unsound mind — and this is very important because here the question of the good faith of the doctor does not really come into play at all — whatever good faith he may have in terminating a pregnancy, he must have the written consent of the parent or guardian. I do not think you can have better safeguards in any piece of legislation.

The Bill, Sir, in Clause 10(1), gives some consideration to doctors who may have conscientious objections to carry out abortions. Sir, I think the legislation was quite right in inserting subclause (4) in Clause 10, because, really, if the life of the woman is endangered, I do not believe — and this is my own personal view — that a doctor in the circumstances have the right to say this is against his moral belief and therefore allow you to die rather than to commit it. I think that would be terrible, and I think that you have this very good provision in Clause 10(1), but that Clause 10(4) makes very good sense in very serious situations.

Sir, I come finally to Clause 12, and I will not dwell very much on that, seeing that not only Senator Barrow but one or two others have dwelt upon it, and that is the section dealing with counselling. The Minister will be given the usual power to make regulations, and among the things specifically mentioned in Clause 12(a) is counselling services. So we can take it that those charged with the responsibility and trained in social work would do their job to the best of their ability and in a very serious manner, as we know they are accustomed to doing in this country.

Just one final point, Sir. Also in the regulations, in Clause 12, this was another point, which was discussed simply because they did not look at this clause at all, that, if this Bill is allowed to go unchanged, that Barbados "would" — they did not even use the word "could" — become the capital for abortions in the West Indies. Indeed, my colleague Senator Reece had just mentioned that he hoped that this would not happen in Barbados. Well, all he had to do and what the anti-abortion lobbyists had to do was to look at Clause 12(b) and see that there is no way women can come from abroad to Barbados and demand an abortion, because there is nothing in this Bill which would suggest that any women coming into this country would not have to undergo the same tests or criteria and satisfy the same conditions as a Barbadian. That is the first thing.

Secondly, in Clause 12(b), there is a question of residence. There will be regulations dealing with this. I do not know what these regulations will say, but we know for a fact that, looking at Clause 12(b) this means that you cannot simply come in here. I do not think the draughtsmen would bother to put this in here if the women could come in and go to a clinic and demand it. The fact that we are speaking of residence qualifications means exactly that. We will want to know who you are, what are you doing here, how long you have been here and all that sort of thing. So I think the person coming into Barbados will have one extra hurdle to clear before she can get this abortion.

I thank you, Mr. President.

SENATOR Mrs. M. O. REECE: Mr. President, I rise in support of this Bill before this Chamber. I find it extremely difficult to understand if the men in this country are living in the past. The Barbados Labour Party Government since 1976 has tried to liberalise the laws relating to women. The men in this country still think that we need them to speak for us. They have taken it upon themselves to come out and speak because the women are not speaking. We have seen family laws being passed, we have seen divorce laws being passed, and the men have not asked the women to speak. I have not heard any man saying that the women are against these laws that have been passed. Women in this society are still christian-minded in their outlook. They believe that these are moral and private issues to be conducted between the woman and her doctor.

I do not believe that women should walk the streets bearing placards saying, "I want an abortion", or "I support abortion." They have supported the Bill. The National Commission on the Status of Women had public meetings throughout the length and breadth of Barbados. I did not remember hearing of any one person who stated that they were against abortion. The commission made numerous recommendations which have been adopted in the report that was laid before the House and is now a document of this Chamber. The report was accepted in full.

There are two issues which we believed at that time should be included in the Bill — abortion on demand and decriminalising the abortion Bill. We have no quarrel. At least, part of the recommendations have been put into a Bill, which I hope will be passed today, and that is the beginning of things to come.

I must commend the Leader of the Senate for the contribution he made. Over the past weeks I have done a lot of research, a lot of study of this Bill. Apparently, the Leader did the same thing. He has adequately dealt with all the issues discussed in the report.

There are one or two areas I want to touch on. Firstly, the publicity of the Bill. I have heard some members saying that the Leader explained certain areas which they were not aware of. I believe that if the Bill was fully publicised, then the Barbadian public would have been more aware of the issues that were raised here today. I believe that we around this Table are knowledgeable in our own particular fields, and yet today some of us say that we are not aware of the implications of the Bill. If we are supposed to be an enlightened group here, then I believe that the public out there should also be enlightened. I believe that the Press should publish the complete statement made by the Leader of the House.

I know of one political party that has a paper, which I am sure will publish it. Whether the other media will do it is a matter for them, but I believe it should be publicised, and that the whole Bill should be made available to the public.

4.55 p.m.

Bill or no Bill, the back room abortions still continue. I believe like the recommendation in the Commission's report, that there should be some controlled fee put on abortions. I respect doctors and their ability to charge reasonable fees, but I believe that, like in the legal profession, the fees are exorbitant, to put it mildly — some of them — and I believe that doctors, being human, will also take the opportunity to charge a fee, and the fee may be beyond the means of people who are seeking to have an abortion.

I believe that people underestimate the thinking of the Barbadian women. The Barbadian women can think for themselves. Abortion is not something that a woman would think of lightly. There are extremes in every case; there may be women who think of them lightly, but they are in the minority. The woman has a decision to make. It is not an easy decision to be pregnant and have to make up in your own mind whether you should abort the child or not, for whatever reason it is, whether it is from incest, rape, by a good and loving husband, by a man, outside man or inside man, or whatever have you. The woman has to make that final decision about whether or not she wants to bring that child.

When a woman gets pregnant, I believe that it is a holy thing and something that is treated with some kind of sanctity and she looks at it as a privilege, and to make a decision to abort a child is something that takes a lot of consideration. I believe that we should have counselling. These counsellors should be available to persons before they have an abortion; they should be available after the abortion to help the person maintain some kind of stability in their life.

I have no quarrel with the churches; I, myself, am a Christian. I believe that churches have their own beliefs, and they should stick to them if they are so inclined, but I also believe that they have a right to educate their flock. The abortion laws are there, and if they feel that their flock might tend to have abortions, then they need to carry out educational classes within their various groups in their church.

Some of these men who are speaking have not, I would say I believe, according to their teachings — had the opportunity of even trying to get a woman pregnant. I believe that people who had the experience of being pregnant, people who have had the experience of getting a woman pregnant, knows what it is to decide on having an abortion. It is a private and personal matter

between a woman and her doctor, maybe between a woman and her man, whether it be the husband or a friend, whatever the person may be to the woman.

Men are saying that they are against the Bill because of moral issues and they think it is a matter of murder, or when a life begins or when a life ends. I have no knowledge about this, I believe it is an issue which is still debated — when life begins and at what stage it begins. I do not think there is any concrete proof about that, and each person is entitled to his or her belief, about at what stage life begins. But I believe that there comes a time when you must decide whether you are going to have the mother alive or this unborn child alive. There are numerous sayings — that the unborn child might be a Messiah; it might be, as some say, a criminal. I have seen no reports where the criminals might be the ones that were aborted; they all seem to be Messiahs. I do not know why they think that all these unborn people are going to be Messiahs, but I believe that some of them might have been criminals, too.

Rape and incest are prevalent in our community. I hope that this law will be the beginning of this kind of social legislation. I believe that the time has come when rape should be looked at. There is much torture and humiliation that women have to go through after they have been raped; they have to go to court and be humiliated and be taken to pieces by attorneys, with all good intentions, I believe — I do not know whether they intend to make money, or let the rapist escape — I do not know what their intentions are. I believe that the Government should look at the laws affecting rape and how they should treat women. We know that we cannot stop rape, but we can stop some of the humiliation that women have to go through after they have been raped by these criminals, or beasts, as some people say.

I believe that abortion, as Senator Reader said, is a word that people look on with some disgust. As she said, "miscarriage" or "termination of pregnancy" are better words to use than "abortion". Abortion has always been that you have been in the back street and had a child killed and taken from you, you do not care, and you just go about doing these things one after the other.

I have known, during my stint at the National Housing Corporation of cases of incest. I have known of a case where a woman had left her husband for another man and took her two children from her husband to live with her, and the man raped a child. The child was under-aged. The man took the child to a back street quack and the child was partly aborted, only to be saved by a doctor. That happened on three occasions. On the last occasion, Housing had to be called in in order to provide accommodation for the mother. The mother eventually went to the Mental Hospital.

I wonder if these people who are against abortions are telling me that you should continue to let children of that age be humiliated by men. And, more often than not, when these children under the age of 16 are pregnant, it is usually by men who are twice and three times their age. It is a fact, and people who do social work and the ones on the Child Care Board can substantiate that these are the facts.

I do not think that the Press should print all the cases of incest; I do not think they should print all the cases of the children under the age of 14 who are pregnant — it is not a good sign in the community — but I believe that statistics should be available and that people should know that these things are happening in this community.

There are people who do not realize the number of abortions that turn up at the Q.E.H. every month, and what we would term "aborted abortions". And people are afraid to speak, and even if they speak, are we sure that these people will be brought to justice? Do we want them brought to justice? I mean, one would say that they are supplying a need, and this will always be there.

I believe that the Government has done a good thing in bringing about this Bill, and Sir, I again want to lend my support to this Bill.
5.05 p.m.

SENATOR E. E. GREAVES: Mr. President, I would like to assure you that I will probably take about 15 minutes or so, if so long.

At first I would like to say that this Bill which we are discussing here this evening, the Medical Termination of Pregnancy Bill, is one which in some way touches the consciences of each and every one of us. It is not a Bill which should be looked at in terms of Barbados Labour Party or Democratic Labour Party. It is for this reason that when the Democratic Labour Party in caucus considered an approach to this particular Bill, we decided that each member would have the right to take whatever position he wants to take on this particular Bill. If, therefore, you, as Senator Barrow has done when he introduced the Bill, check the speeches of members of the Democratic Labour Party, you would see that it was an individual approach which was taken on this particular matter. I believe that even from the point of view of the discussions which took place on the Bill when the Democratic Labour Party Administration formed the Government, you would inform certainly that there was not a consensus within the party about the particular kind of legislation which should be passed.

I would also like to make the point that there is a particular section of the Bill which I, as an individual,

have some very serious reservations about, and to some extent this has been alluded to by some of the Senators who spoke before me. I am talking particularly of Section 4 as it stands. I would just want to make the point that it is very cleverly arranged.

Aside.

SENATOR E. E. GREAVES: Let me just make that point, because whereas there are certain aspects within that clause which a reasonable person could find no objection with, there are yet other sections of that particular Clause 4 that persons, who are raising objections to the Bill and to aspects of the Bill, do not feel comfortable with, and I will indicate my position on this particular section as I go along.

We cannot, in considering this Bill, make light work of criticisms which are made of the Bill. I believe that a number of the criticisms have valid foundations, and one of the criticisms which has been levelled at the Bill has to do with the lack of opportunity for a real public discussion on this particular Bill. I want to refer....

Asides.

SENATOR E. E. GREAVES: Just take it easy, give me a chance. I listened to everybody today, so let me talk now.

There was a commission that was set up called the National Commission on the Status of Women in Barbados, and this Commission had certain terms of reference. Abortion was not one of the terms of reference, however the issue of abortion arose and therefore certain considerations were given to it, and there is a section of the report which deals specifically with abortion. Senator Mrs. Reece was a member of the Commission. Senator Barrow, and I believe all the people who spoke before me, made reference to the Commission, but they have studiously avoided to look clearly at the recommendations of the Commission, and I would like to do so for the purposes of this debate.

On page 373, Section 211, we see the beginnings of the recommendations on the question of abortion, and it is very clear from the recommendations that the Commission itself was not satisfied that enough discussion had taken place. What did they recommend? Section 211 subsection (ii) reads as follows:

"Before attempting to change the law, efforts should be taken to ensure that the contemplated change represents the collective national desire and that the nation is made fully aware of the possible consequences of its choice."

There was, Sir, a minority report by Professor A. R. Carnegie, and I want to further buttress the point

which I am making of consultation, or lack of enough consultation, on this matter. I want to refer to pages 417 and 418 of this minority report. The last paragraph on page 417 reads as follows:

"In the first place, the Commission has not claimed that the Barbadian community wants a liberalised abortion law. This is implied by the recommendations of the Commission that reform of the law should be preceded by efforts to ensure that the contemplated change represents the collective national desire, and by the speculation in the paper on which the Commission's recommendations were based that the lack of enthusiasm of nurses in Barbados for liberalised abortion law might be related to the relative absence of professional group norms which might prevent them from differing in attitudes from the non-medical community. It is true that the Commission heard support expressed for a reformed abortion law at its public hearings, but that forum could hardly be regarded as having constituted an adequate test on public opinion."

5.15 p.m.

I think that these observations should not be taken lightly. It does not matter whether he is a Catholic or not. It does not matter. The fact of the matter is that I did not read the section of his minority report which indicates that he is Catholic. I am dealing with the point, Sir, which has to do with the argument which has been expressed and advanced, that there has been public discussion on this matter, and that there has been enough public discussion, when the report of the commission would indicate very clearly that this was not done, and in a minority report it was further strengthened that the commission could not really claim to have taken enough time or evidence, or indeed that it was within the scope of the commission's terms of reference to deal with this particular matter.

I think this is a matter in which one could become very emotional. It is a matter in which some people could become very cold blooded. I believe, that it sums up the wide range of human reactions and human feeling. As you can see, Sir, I have desisted from becoming emotional on this particular matter, but I think that we have to pay some attention to objections which are legitimately raised (a) on procedure and (b) on the provisions of the Bill. There seems to be a school of thought arising in Barbados to the effect that, once a Government has made a decision about any particular matter, then nobody is to say anything about — you cannot raise any objection. This seems to be the theme for example, of, I think it was Senator Williams, who indicated that the Church should control its congregation and not fight the State.

There is an underlying current there. It is the same kind of erroneous view which is being promulgated by the Dean of St. Michael's Cathedral, who seems to think that once a Government has made a decision about a particular matter, then the opinions of people do not matter.

I would just, by way of example, indicate — and I think that Senator Barrow in a way has alluded to this — that consensus is very important on the question of law. If you pass a law and people do not obey the law, well, then, that is merely a law on the Statute Book — but it has no particular effect.

You will recall, Sir, around this time last year, if I may digress for a short moment, that the Government passed a law indicating what the rates for workers in the sugar industry should be, and there was again the idea being expressed, even by the Prime Minister, who went on television and indicated it — "Well it is a law now, therefore you could as well obey the law and go and work." But what was the response to that? There was no response to that, and it was only when the Government was made to respect the views of the people who this particular bit of legislation touched on, that you had a response in terms of going and performing the particular tasks.

The point I am making, Sir, is that we have to recognise that in our society people must be given the right to protest and certainly to express their views, and I do not want us to get into this idea or into this feeling, as I am picking up from certain sources, that the Government cannot be opposed, or that one cannot express one's point of view or a point of view contrary to point of view of the Government. Not you Senator Barrow, because you have been very clear on that, but nevertheless it is a trend which I have detected and on which I thought I should make my position very clear.

On the question of consultation, as I understand it, there was a debate in the Lower House; and after certain representations were made by some Members of the Lower House, a decision was taken to postpone further consideration so that the views of the public could be heard and could be made known on this particular matter.

Well, that opportunity for consultation, and for the public expression of views, it would seem, only lasted for three days. Because, within a matter of three days, the Government was back in the Lower House with the legislation and was ramming it through, in spite of the commitment which was made, as I understand it, reading from the newspapers and judging from reports from my colleagues.

That seemed to be the position, that was carried in the newspapers, and the Government, which is very quick to object to any erroneous information being carried in the newspapers, I have not seen, neither have I heard, any objection from the Government that this was not the case, so I will have to take it that that was the position. The Government Information Service would have put out a release a long time ago if this were not so, because that is what was conveyed in the media — on television, on the radio stations and in the newspapers.

I wonder why it is, Sir, that the Government is so afraid of having this consultation. I think that they would have all to gain, and really nothing to lose, by allowing for further discussion, clarification and input on a Bill, which, after all, touches everybody in this community in one way or another. I must agree with those Senators who have indicated that this is a Bill which concerns more than women in this society. It is a Bill which concerns everybody, because it has to do with human beings and their relationship with one another.

I would not want to say, and certainly I could not say, that, under no circumstances, should abortion be permitted. I am not one of those persons who could say that. I think that in some of the provisions of the Bill, for example in the case of rape, in the case of incest, or in the case of 4(1)(b), which says "that there is substantial risk that if the child were born, it would suffer such physical or mental abnormalities as to be seriously handicapped," I think those would be circumstances on which I could support abortion. I do not think I could have any problem there, but when one examines Section 4(1)(a) along with Section 4(3), one would see where this whole question of abortion on demand arises.

5.25 p.m.

Let me also say that Senator Barrow spent a long time in introducing this Bill. It is clear that he was very thorough in his preparation, but a lot of what he said in the presentation of the Bill was destroyed by some of the contributions which came from some of his other colleagues. For example, Senator Reece indicated, and I quote: "Women should not be coerced into going through with a pregnancy which they did not want." If one were to follow that line of argument and compare it with the point which has been made by Senator Barrow and some of the other Senators, that this Bill does not provide abortion on demand, then either Senator Reece does not understand the provisions of the Bill, or Senator Reece understands and Senator Barrow does not understand.

I want to say that when we have a Bill with this section in it, and which has been referred to by Senator

McClellan and by Senator Canon Jones, it really opens — and I am saying this without fear of contradiction — the avenues for abortion on demand. "The treatment for the termination of a pregnancy of more than 12 weeks duration may be administered by a medical practitioner if he is of the opinion, formed in good faith, (a) that the continuance of the pregnancy would involve risks to the life of the pregnant woman or grave injury to her physical or mental health." And then it goes on in subsection (3), and I am taking this in conjunction, as obviously it has to be taken, with all of the subsections of Section 4;

"In determining whether the continuance of a pregnancy would involve such risks of injury to the health of the pregnant woman as is required by subsection (1)(a), the medical practitioner must take into account the pregnant woman's social and economic environment, whether actual or foreseeable."

Like Senator McClellan, I would want to spend some time on this.

SENATOR THE HON. N. A. BARROW: On a point of order, I was about to interrupt him on a point of order before, but I thought I had better let the Senator make his point to make sure I understood fully what he was saying, but, really, the Senator must not mislead the House. He really should not mislead the Senate, and to suggest that an opinion formed in good faith can in the circumstances of this Bill lead to abortion on demand, is to mislead the House.

SENATOR E. E. GREAVES: Well, Sir, this is a Bill on which everybody can have his own opinion, even in good faith. In short, the point I am making is that this Bill is very, very loose in some areas as far as the terminology is concerned, and, therefore, Sir, I would want to revert to the point which I was making about the social and economic environment, whether actual or foreseeable.

I think that this puts a very heavy burden on the shoulders of the medical practitioner. He is forced to make judgments which he or anybody would confess they do not have the competence to make. What, for example, would be the consideration that would be brought to bear on determining the pregnant woman's social and economic environment, the actual one or the foreseeable one? Does it have to do with the number of children which the pregnant woman has had before? Or does it have to do with the kind of house that the woman lives in? Does it have to do with the job she has? Does it have to do with the kind of class, or in Bajan terms "the society", that she moves in?

(A VOICE: No.)

SENATOR E. E. GREAVES: You said, "no". All I am saying is that you will get a divergence of opinion on this. There is no criteria laid down for determination of the actual social and economic environment of the pregnant woman. Notice I talk about "actual". We cannot even get into the "foreseeable", because you will be asking the medical practitioner to do something that I do not believe any human being would be able to do. How can you look into the future and tell, with any degree of accuracy, what will happen to a person's social and economic life? How can one do that?

Asides.

SENATOR E. E. GREAVES: It is not a question of reading. There is no document, no evidence, that you can produce to me, or anybody who is reasonable, which could convince any reasonable person that any individual can look into the future and determine what a person's social and economic environment will be.

I am saying that this is a very loose and convenient arrangement, and I think, Sir, that we ought to give ourselves a little more time on this particular Bill. What difference, for example, would another three months make? We can, from the point of view of the Senate, and I would like to suggest this, set up a Select Committee to take evidence on this particular Bill, at least to give the public an opportunity to air their views on this bit of legislation, because it is clear that there has not been an opportunity for a ventilation of views on this specific issue of abortion.

Sir, I recognise that I may be hitting my head against a stone wall.

Asides.

SENATOR E. E. GREAVES: A steel wall. I recognise it is not going to get anywhere, but I believe I am entitled to make some suggestions and attempt to represent the views of those members of the public who have indicated that they would like to get an opportunity to make some input into the Bill. I do not think that three months should make any difference to the Bill. After all, if you are saying that abortion was going on in Barbados and in the world for years and years, what difference would three months make?

5.35 p.m.

As far as this Bill, as has been claimed, will be able to eliminate the back street abortionists, it is very clear that this Bill will not do that. What will happen, I suspect, is that you might find that there might very well be an increase in back street abortions. You know why? I will tell you why.

Asides.

Laughter.

SENATOR E. E. GREAVES: Sir, the Senators do not think that I am serious. I am making a very serious point, Sir. We are living in a small society, and if I know Barbadians, as I believe we all ought to be in a position to know Barbadians, when it comes to matters relating to health, and particularly in a very delicate area like abortion, I have very serious doubts that women would go into a situation where records will be kept of this activity. After all, it is a very, very private thing, for some of them it is embarrassing and, therefore, they would not want records kept of the particular actions, and when once we have passed the law which legalizes abortion, I suspect that the back street abortionists are going to flourish even more than they have been flourishing before.

When it comes to the point, Sir, of submitting reports, I heard one honourable member, I think it was Senator Williams, indicate that reports have to be submitted to the Chief Medical Officer, implying that only the Chief Medical Officer will have access to this information. I just want to let him know how governments and how organizations work, that when reports go into the head of an organization, be it the Chief Medical Officer or who, the information does not go directly to him — it is handled by people down the line — and information can get out, as information on other areas can reach the streets. This is a very serious thing, so it does not, in my view, guarantee the kind of confidentiality that has been indicated here in the debate.

As I said, Sir, there are a number of things in the Bill with which I do not believe that any reasonable person, and I consider myself to be a reasonable person, would object. But as I said, there are some provisions that I have very serious reservations and objections to, and I have indicated them.

The Abortion Bill, it would seem to me that what is coming out is that we have a problem. We have to deal with the problem, but what we have to ask ourselves, Sir, is whether abortion is really the answer to the problem which we have. We are trying to deal with this Bill and project this Bill as if it is the total answer to the problem. It is never the answer to the problem, and I would like to think that the Government....

(Asides)

SENATOR E. E. GREAVES: Sir, I can handle the hecklers. You want to abort my speech?

(Laughter)

Mr. PRESIDENT: Order, order Ministers.

SENATOR E. E. GREAVES: Seriously, I think that we have to consider, as some of the Senators who have made a contribution to this Bill have said, the very serious implications of this Bill and try to meet the problem even before it becomes a problem.

It seems very clear to me that we have fallen down very badly on our Sex and Family Life Education Programme. One would have thought that we should be really going full steam ahead on this particular program, but we are doing very little in that particular area, and I would hope, Sir, that we could see a new approach to this particular problem and that the Government would embark on that kind of a programme certainly without delay.

But I would want in conclusion to make my plea again, that this Senate could delay — and this is a serious proposition, Sir — the passage of this Bill until there can be further consultation with the public, bearing in mind that the National Commission on Status of Women in Barbados have said this in their recommendations. And note, Sir, that it did not come as recommendation No. 25 or so. It was the second recommendation of the Commission, so it showed how important they considered it; that when people took up the report to look at the recommendations they would see very clearly what the recommendations were and what they considered one of the major recommendations, because they listed it high.
5.45 p.m.

I would like to go along with that particular position as taken by the National Commission on the Status of Women. That is a very important recommendation and one, I think, we should pay some attention to. I hope that my words have not fallen on deaf ears, and that there will be some positive response to my proposal from the Government.

Thank you, Sir.

SENATOR L. A. WARD: Mr. President, I am not against abortion *per se*, or the termination of a pregnancy. Where a woman becomes pregnant and the medical practitioner considers it is detrimental to her health, I feel that is something I would go along with. There is also, Sir, the one that if they have good reason to believe that a child would have mental or physical abnormalities that the pregnancy could be terminated. Also, the one on rape and incest. I would go along with all three of them.

I was a little perturbed, and I saw no provision for the mother having the right to say she does not want her pregnancy terminated, but Senator Reece in his speech assured us that the woman would have this right.

One that concerns me, though, is clause 4(2) which states:

"The affidavit of a pregnant woman stating that she reasonably believes that her pregnancy was caused by an act of rape or incest is sufficient to constitute the element of grave injury to mental health required by subsection (1)(a)."

Senator Lynch, I think it was, voiced my opinion on this one, that this is something left wide open, that a person who finds herself pregnant and wants to have the pregnancy terminated would at that point in time perhaps write a statement stating that she believes that her pregnancy was caused by an act of rape, and if the doctor tells her she is two months pregnant she could always work back a date to put in, that she was raped on that particular day.

What Senator Lynch said was my feeling, that in the case of rape or incest, it should be reported to the medical practitioner of the woman's choice that rape or incest had been committed, and this medical practitioner would know, it would be on record, that this woman was raped, and if a pregnancy resulted, that could be looked after. If that is not done, what we might have is an increasing percentage number of rapes in the island, because people could just write statements and say that they were raped, long after they find themselves pregnant. I think that if it were recorded when the rape or incest took place, it would make it a lot more difficult for people to go along and do something that you may find that people are getting abortions, not perhaps on demand, but on desire.

Also, Sir, in subsection (3) of Clause 4, where we come to this thing that has concerned many Senators, the woman's social and economic environment, whether actual or foreseeable, perhaps doctors in good faith may interpret that differently, whether their feeling is that there is nothing wrong with abortion, or a doctor may feel that he does not like the idea of abortion at all, and the two doctors may, in quite good faith, interpret that to mean something different.

They are the two things that concern me with Clause 4 of the Bill. Then again in Clause 8(1), where it says the medical practitioner may require the written consent of the pregnant woman, I wonder if you could not have "may require" changed to "must obtain". I think it would more protect the medical practitioner if he were required in all cases to obtain the written permission of the pregnant woman.

Much has been said on the other points of the Bill, but these are the main points that concern me. I think Clause 4 — and I am not a legal person — leaves it rather wide, especially in subsection (2), that people may be able to obtain abortions on saying that there was rape or

incest when there is nothing on record to substantiate that, Sir.

Those are the only few reservations I had to raise on the Bill. Thank you very much.

SENATOR Miss J. CLARKE: Mr. President, coming at this stage of today's proceedings, it is possible that I may repeat some of the points made previously, so I hope you will forgive me if I tend to place emphasis where other people have already placed emphasis.

Now, I think that we would all concede that abortion is a very controversial issue whenever it is raised, and wherever it is raised. This has been a long-standing situation which is given to much emotion. Perhaps this is good as well as bad, because I think that we sometimes derive benefit from the degree of controversy which emanates around a particular subject. I think, nevertheless, that we are living in the 20th century and that we must face the reality of the situation. We cannot continue for ever to evade the issue.

Abortion is not a new invention, it is not being introduced by this Bill. It has been a fact of life around the world for centuries. In fact, I believe that before modern day approaches in the area of birth control and family planning came into being, that infanticide, which is another word for abortion, was the means normally used.
5.55 p.m.

The fact that we are today debating a Bill relating to the legalisation of the law in respect of abortion is, I think, timely, even though late. Movement towards liberalisation of abortion legislation dates back probably 40 years or so ago, and I think that in all of the discussions, emotional as well as rational, much effort has not been made to state the background against which we are operating.

The Offences Against the Person Act, 1868, is rooted in 19th century thinking. We do not today behave or think like people did in the 19th century, and it is reasonable that we should now be moving this piece of legislation towards the 21st century.

If we were to look back in time, we could list a number of historic events which have been significant in regard to the general movement towards the liberalisation of abortion legislation. In fact, I think probably the earliest case may well be a 1909 Canadian case in which I think the judge argued that he could not prove that the doctor in question had not been acting, in his opinion, in the best interest of the patient. I think the next significant event is probably the formation of the International Labour Organization of 1919.

One of the difficulties, with our enlightenment today, is that we tend to jump on bandwagons very easily, we tend to make demands on Government and the other agencies relating to Government without always stopping to think of the consequences. We can see, if we check the charters of the international organisations, that there has been a drive towards liberalisation. Whilst specific mention was not made of abortion, I contend that where we are demanding better rights, where we are demanding human rights, where we are demanding an improved quality of life, all such demands relate indirectly to what we are trying to do here today.

The Family Planning Association of Barbados was founded in 1954, and since that time, I believe it is true to say that Barbados has made a significant impact on its birthrate. Alongside of this, we have had improved standards of health, nutrition and such other matters, which have contributed to an improved mortality rate as well as an increase in the length of life — so we have on the one hand the Family Planning Association promoting birth control by acceptable methods and we have at the same time medical science improving the conditions under which people are able to live or die, but we have to ask ourselves, how do we deal with the situation where we still find population pressures being of concern? Nobody, as far as I am aware, has made any reference to the fact that population pressures have some bearing on this legislation, and yet I think it is a very significant fact. If we do not face the reality of what has been happening, and will no doubt continue to happen for some time to come, we have to face the consequences, if not now, in the long run.

In 1948, I believe it was Japan which was the first country to promote eugenic protection as a serious means of controlling population pressures, and this brings me to the point that I believe that the impact of the two World Wars has been of particular significance in the mood which has followed, in so far as legalisation of abortion legislation is concerned.

If we take the time, we can research the matter and we can find a significant increase in activity following the World Wars, partly because I believe of people's deep desire to promote peace and to avoid the destruction of mankind through warfare, but also partly out of concern for world food.

I believe it is true to say that the War created problems in a number of areas, and that one of the serious concerns was the question of food. I cannot claim knowledge of the First World War, Mr. President, but I was alive during the Second World War, and I remember that there used to be ration cards for food and I can remember that people had come to find a means of using sweet

potatoes practically every day. In fact, we heard about Dr. Saints pills, in reference to sweet potatoes, because there was a shortage. And so there was this recognition that something had to be done to contain population pressures, if for no other reason than for preserving the world food situation.

In 1960, the Food and Agricultural Organisation of the United Nations inaugurated a freedom from hunger campaign, which was intended to awake world consciousness to the crisis in world food, and at that time they warned that if a serious effort was not made to improve and increase food production, the world could be facing famine by the year 2000.

Now we know that there are part of the world undergoing famines for various reasons, but I think that the emphasis which has continued on increased food production and on improvement in nutrition, together with acceptance of the fact that people have been flouting the law, has had much bearings on the legislation which has, eventually, become fairly widespread. In fact, by 1970 there were at least 22 developing countries which had already liberalised their legislation.
6.05 p.m.

If we turn to 1966 in terms of Barbados, we recognise that that is the year of independence, and, from time to time, we quote from the Constitution as regards human rights. Very often we hear calls for full employment, we hear calls for improved quality of life. We have enjoyed an improved quality of life, but obviously we want to continue to do so, but has anybody stopped to consider that in order to meet all of these various demands, it is important that we maintain strict control over birth and population?

I believe that most people find abortion abhorrent, but I also believe that it can be a humane way of dealing with a serious problem. I do not believe that when a doctor performs an abortion, knowing full well that he is in breach of the law, that he is doing this out of any desire for monetary gain. I believe that, generally speaking, he is doing this out of a feeling of compassion for his patient and out of a desire to assist.

Much has been said, Mr. President, about the fact that there has not been enough debate, that people have not had enough time, and a call was just made a little while ago for a further extension. But we can delay until the end of time, we can delay until Christ comes again, and people will still be undecided, people will still have difficulty in coming out and stating their position in a forthright manner. I believe that if a referendum was taken today, we would find that the majority of people in Barbados would not only vote for liberalisation of abortion legislation, but would, in fact, vote for abortion on demand. I believe that within the Church, acting for

individual denominations, if they conducted their own private referenda that the same would be the result. So we must face the issue and we must stop trying to use delaying tactics.

I did a little research. Unfortunately, I did not have as much time as I would have liked, but I found, Mr. President, that in the last ten years, there were at least 90 items appearing in local newspapers. Now this is based on the index system at the Reference Library, which, I believe, may have missed some years, but I can say that in the last ten years, between 1973 and 1983, there have been at least 90 items appearing in the local newspapers, and of those 13 were editorials in the *Advocate*. So I think there has been time, even though there has not been perhaps the amount of debate that might have been useful to really educate people to what is involved, and I think that it is a pity that in the recent upsurge of articles appearing in newspapers, so much has been left to the comment of a handful of individuals.

I would have been happier, Mr. President, if the journalists in this country had done research and had informed the public about the pros and cons. It is regrettable that this has not been done, but you see, I believe that the journalists must do more than inform the public. I think they have a role to educate, and I would hope that in future, there would be a little more selection in the manner in which they accept everything that is said by all and sundry, and that while they must faithfully report what people say, they must also make it their business to research issues of concern and give their analysis. We need to have objectivity injected into many of the issues which are of public concern.

The Church as an agency has a role to play, and will always have a role to play, but, unfortunately, the Church is facing the same dilemma that the Government faces, that society generally faces, because the Church is in a situation where we are all well into the new social order. The Church has had to compromise its position in so many areas that it may now see this as a last call; so it must fight and go down. But the truth of the matter is that the Church has become reactionary, the Church has become so secular that it has lost a lot of respect — and rightly so.

I think that the Church must now use this as a challenge, because abortion has been with us for a long time, and the Church has been aware of this, but in the last 100 years how much effort has the Church really made to teach its flock or to teach the wider society? We have seen new approaches to morals, we see a new permissive society, we see the Church focussing mainly on preaching, and I should like to challenge the Church, myself being a person of the Church, to de-emphasise preaching and emphasise, instead, teaching.

Too often, the clergy forget that there are people in the pew who do not operate at the same level as they do, who do not understand the doctrines of the churches that they follow and who, in nine times out of ten, are not really in a position to understand the higher planes of intellect that the clergy may see themselves speaking from. I think the problem is that the clergy very often are so separated from their flock that they are not able to appreciate fully the position of the person in the pew.

The real issue, Mr. President, is not whether to abort or not to abort. That is not the issue at all. The issue, as I see it, is — to indulge or not to indulge. We have seen marriage degenerate over time, we have seen family life deteriorate over time, and until we are able to correct this in some measure, we will continue to have what is, in effect, social disorder. The church can redeem itself; the Church must, however, not behave like the Pharisees. It is no point turning a blind eye. In the same way that the Church has changed its position over time on baptism of lawful as against unlawful children, it should look at abortion again.

I remember the time when the unlawful child was baptised during the week and the lawful child was baptised on Sundays. The Church has recognised that the child is not at fault and, therefore, the Church has moved in line with modern thinking to baptize all babies at the same time, whether or not they are born out of wedlock. The Church has turned a blind eye to adultery, and this is all part of what we are talking about when we are talking about abortion.

So as I say, the Church is facing the dilemma which the state faces, and while the Church must make its input, critical or otherwise, the Church must also examine itself and move to fulfil its role more adequately. The Church, as the preserver and protector of spiritual and moral values, must really set about its work.

The Government has a responsibility to the total community. The Government is elected to govern and it must act to the best of its ability in passing legislation to protect the entire community. The Government cannot legislate according to individual sectors of the community, because if it did so, we would certainly hear an outcry of the violation of this, that or the other right.

6.15 p.m.

Now while we continually hear people making legitimate demands for basic rights, seldom do we ever hear of the responsibility which must be attached to those rights. I believe that the sanctity of marriage needs to be preserved, and I believe that we have to be very careful about how we proceed along the path of passing social legislation, which, in the end, will further undermine the society.

One of my concerns with some of the debate on this issue is the point that women must have the final say because women carry the babies etc., etc. I believe that women have a right to a say, but I do not believe that this is an absolute right. I believe that, within the bonds of marriage, any decision related to abortion should be a joint decision between husband and wife. I believe too, that, in terms of the common law union, which is of some lasting nature, that the same should apply.

We ought to recognise that part of the pressures for the liberalisation of abortion law comes out of the Women's Liberation Movement, and, in fact, I think that this should be watched, because in the quest for liberation of the woman, I think we are eroding some fundamental props in our society — and I do not refer to Barbados alone; this is a matter of world-wide concern. I do not believe that women should be the underdogs — not by any means — but I believe that women are very often their own worst enemies. I believe that the time for a woman to really exercise her right is not after conception, but before conception.

There have been a number of things happening, Mr. President, related to population measures and so on. For instance, the 1973-77 Development Plan for Barbados devoted six pages to population policy. One of these was devoted entirely to abortion and it was very clear there that there had been a call for liberalisation and that it had been well received. By comparison, the most recent Development Plan, 1979-83, devotes half a page to population matters, and one sentence, of not even two lines, to abortion legislation.

We are part of the Commonwealth, Mr. President, and in 1977 there were two conferences of significance — there was a Commonwealth Law Ministers Conference in Toronto, I think, and there was a Commonwealth Medical Conference, I think, in New Zealand. These conferences looked at material which had been prepared by two professionals of high standing, which related to a survey of abortion legislation within the Commonwealth family of countries. The results of that survey were eventually published, through a grant from the World Health Organisation, and that survey contains a Draft Act, which is very similar to the one which we are dealing with. In fact, it would seem that what we are doing here today is very much in keeping with what has been happening, not only within the Commonwealth nations, but also around the world.

Now, the modern-day approach to abortion legislation usually provides for termination of pregnancies under six main indications. I will mention these, and honourable members can easily see for themselves that they tie in, for the most part, with the Bill which is before us. The first is the therapeutic indication, which is related to

the risk of life, and the risk of life to the mother is something of long-standing in terms of general recognition of a definite need to be filled. The second is usually the juridical indication, which deals with matters of rape and incest.

There is also the foetal indication, which deals with abnormalities in the foetus, and which, I think, goes back in time not just to the question of the agony of the parent, and the fact that all parents may not, like Senator Lynch, be able to cope, but I think it may also have some kind of connection with the Eugenic Code, which dates back to 1883, and which seeks, in modern day terms, to procure, as far as is possible, healthy normal, live-born people capable of continuing the race.

The fourth consideration is usually the social or socio-economic consideration, which has caused some debate here today. While I can appreciate the sentiments expressed, I feel that I must make the point that that particular indication is usually designed to help the so-called masses, the people at the lower end of the scale, who, for whatever reason, are not always in the position to take advantage of facilities which persons more fortunate than themselves can do.

So I have no difficulty in believing that a doctor can tell if a person is destitute, and is likely to be destitute for a while to come. Even though we hope that the quality of life will improve, and that over time, as has happened in Barbados and in other countries of the world, the offspring of the destitute woman may yet turn out to be an international citizen of some worth, it does not alter the fact that, in her immediate concern, she is not able to maintain another birth, given her present situation. This particular situation is intended to protect the family as it exists.

There are two other indications which are treated in some of the laws. These are those related to failure of contraceptive and abortion on request. I would have been happier if the Bill had included somewhere a provision for a person to prove that their contraceptive had failed. But this is also a difficult one. Everything you can say for or against, there is also an argument to the opposite. The desperate woman who needs an abortion is not going to listen to the niceties of the churches or to the qualms of most thinking people, because she is desperate.

6.25 p.m.

As I said already, I do not believe that abortion is a practice that is taken lightly by most women. It may be that young girls, who have not yet experienced life and do not know what it is all about, or have not yet had their maternal instincts fully developed, may take a

casual approach to abortion, but, by and large, I do not believe that women will take a light approach to abortion.

Much has been said about back street abortions, and I believe some of the churches have called on the Government to eliminate back street abortions, fully knowing that there is no simple solution. And yet, in all the comment about back street abortions, we do not seem to see any direction being focused on the fact that doctors are in breach of the law, and that their acts are just as criminal as those of the back street abortionists.

As I said previously, I do not believe that a doctor would generally operate in this area from a point of view of monetary gain. It is possible, but I do not believe that it would be a general practice. I would like to believe that most doctors find themselves in the quandary of wanting to help a patient.

Another thing which I find interesting, Mr. President, is the fact that the famous Bourne case of 1939 is quoted left, right and centre, and it is quoted only in so far as it demonstrates that the judge, in his wisdom, recognised that there were *mitigating* circumstances. I do not think that anybody, in the context of Barbados, has shown that that gynaecologist went out of his way to prove his point. He did not do it in the dark, he did not hide the fact that he was doing an abortion on the 14 year old girl who had been raped. In fact, the case was referred to him by a general practitioner who was aware of his concern, because they both worked with one of these pro-abortion organisations, and Dr. Bourne took the decision that he would do it.

He must have leaked it to the police, because when the Inspector called on him later in the day, he said "I want you to arrest me". He was prepared to stake his conviction, he put it on the line. The judge could well have found against him, and then he would have been in a very serious plight. He put his convictions on the line, he faced the consequences, and, as a result of his action, a more liberal approach was taken, as has been evidenced by certain other cases which have come before the law.

Two cases in the Supreme Court of the United States of America were tested in 1973, which also gave effect to the same thing, and these again, I believe, were test cases by virtue of the fact that in one case, I think it was *Rowe v. Bolton*, this was a destitute woman and there were a number of private organisations listed with her in the complaint and she won her argument.

We have to face it, we have to recognise that back street abortions cannot really be eliminated until, or unless, there is abortion on demand. Although I said earlier that I believe that a referendum taken on public opinion would probably opt for abortion on demand, I do not think that that necessarily is what we need to do

at the moment. I think that what we ought to do is to pass this Bill and give it a chance to work. Having said that, in giving it a chance to work we must also move to educate our people, and this is in the churches, in the schools, in all the voluntary organisations of the society. If we are really concerned about the quality of life in Barbados, we must demonstrate that concern, not just with words but in practical acts.

The 1967 British abortion law came about as a result of much agitation over a period of time. I think that the route which the British Government followed is one which we should seriously consider, and that is, that we institute a Commission to review and investigate the developments after the Bill has been in operation for four or five years.

I have not myself seen the Layne Report which was done, but I have seen excerpts, and one of the early statements made in the conclusions by the commission was that they felt that the gains facilitated by the Act have much outweighed any disadvantages for which it was criticised, and I have every reason to believe that a review of abortion legislation in Barbados in the future will, in all probability, come to the same conclusion.

One of the criticisms levelled from time to time is that this liberalisation is going to make Barbados the abortion capital of the Caribbean. That is a criticism which is universal. Wherever abortion legislation is being liberalised, that is one of the fears which is expressed. One of the considerations here, which we must be honest about, is that right now Barbados is the medical centre for the Eastern Caribbean. It is a regular situation where people from the Eastern Caribbean come to Barbados for medical attention. Surgical termination of pregnancy is also a form of medical attention.

As far as the criticism about residence is concerned, again I do not see that this is one which needs to be stressed a great deal. I will admit that it is one which has come up around the world, but people more within the Caribbean family, and if we are providing services already in this country and we allow people to come and benefit, I do not see that we can seek to deny them the privilege of using medical facilities here as against using illegal or back street facilities.

Another criticism which is often brought is that after introduction of liberalisation of abortion legislation, you have an increased incidence in abortions, but I question this. While I recognise that it is a possibility, I very seriously question it, because I believe that the mere fact that we do not have any true record of the number of abortions which take place must be an indication that the figures we quote from time to time can be understated, and, in fact, the increase in the number of perceived abortions may well be an indication of the fact that we

were understating what we thought was happening, or that there was a very real latent demand for abortion which had gone unrecognised.

I, therefore, do not think that there is much weight to the argument that the introduction of this legislation will increase the number of abortions. In fact, I think that, more likely, we are sitting at the top of an iceberg, and what we are seeing now is the peak, so who knows what will come up from below?
6.35 p.m.

In all the years of prohibited legislation in Barbados under the 1868 Act, I believe mention has already been made that very few cases have been brought before the Court. Why is this? People are afraid to tell, or are not prepared to tell, or they see it that the service which they are able to obtain from a back street quack or from a regular doctor will be denied them if they support any attempts at bringing the law to bear.

I have no difficulty, Mr. President, whatsoever in supporting this Bill, although I must confess that there was a time, not so long ago, when I, myself, was wavering, as to whether it was right or wrong. But I have done a lot of reading, and I find the subject much fascinating, to the point where the more you read, the more you want to read. So I believe that if we can encourage people to really attempt a serious education at all levels of the Bill, what it stands for, of the implications for the country if the population is allowed to go unchecked, is significant.

There are two other points I would like to make, Mr. President, and one relates to the population matter. If the 4 000, or whatever, abortions which are believed to be taking place every year did not take place, how could we improve the quality of life for the population? How would we cope with that increase in population? On the other hand, when we consider the damage which some women or some girls may have done to their reproductive organs, I can well see that we may have a problem in the future, in that we may not necessarily have to rely so much on family planning, because people would have rendered themselves sterile. This could be another danger in terms of population growth, because we may then find ourselves again trying to encourage the stag mentality, which is a throw-back from slavery.

The final point which I would like to make, Mr. President, relates to the fact that we must somehow encourage our people to use the services of one doctor steadily. We have a tendency in Barbados that if we get a pain in the stomach, we go to Dr. A. We do not get immediate relief, so the next week we go to Dr. B., and the third week we go to somebody else. The result is that the doctor is not able to follow a history and not able to guide properly. This is in normal medical terms.

But in regard to this Bill, I would be happy if we could be sure that people were using the same doctor repeatedly, because in that case, he would be monitoring their health on a regular basis, and he would know whether or not they are physically able to bear a particular pregnancy. Also in this area, there is the business of his being able to know from his history on the patient whether or not they have been following contraceptive measures, whether or not the family situation is a little difficult, either from an economic or social point of view.

I think that, perhaps in time, we may need to move to include in the legislation a limit as to the number of abortions any given individual can have. It may be that we would say that two or three would be the limit, and thereafter, if it is apparently going to be a means of birth control methods, then we might have to promote tubal ligation. But again, that would be very difficult to police, because who is to prevent a person from going to Dr. A or Dr. B? So whichever way we look at it, it is difficult.

But I feel that we must go to the legislation, recognise that it is trying to modernise the approach, it is trying to regularise a situation where doctors have been in breach of the law for several years, consciously or unconsciously, and that over time we all monitor it, watch it, study it and, if necessary, improve upon it, whether it is in adding abortion on demand or making it more restrictive.

Mr. President, I have no hesitation in supporting this Bill.

(Applause)

SENATOR W. W. HALL: Mr. President, I must say that if we have to go home rather late this evening it cannot be blamed on the Opposition because this Bill, Sir, has created such consternation among some, and elation among others, that we see today that one Bill in this very distinguished Chamber has brought a lot of debate, and I believe that if the Prime Minister was thinking in terms that the Senators on that side do not talk as much as they should talk, even if he wanted to have a reshuffle in here, today he would have to think again.

(Asides)

SENATOR W. W. HALL: You must not take what I say lightly because I was the first one to say that Senator Griffith would be a Minister, and it has come to pass.

So on the question of abortion, I think that there will be a lot of emotionalism attached to the subject and I dare say that my views are personal. I think someone alluded to the fact — it was the Leader of Government

Business — that Mr. Taitt said it is a personal matter. He agreed, and so do I.

I believe that this matter is one we must look at objectively; we must not look at it along party lines, because if everybody in a particular party believe one thing on the Abortion Bill, something is wrong — and that is what is happening over that side, Sir; everybody believes the same thing. It is too controversial a matter, Sir, for everybody to believe in the same thing. It cannot be unanimous.

I believe, Sir, that abortion must never be seen as a punishment. I believe that people who need abortions, and desperately so, must be helped, and, therefore, I think that you will never find any ten people at any given time agreeing unanimously on a question so delicate as abortion.

We may not know a lot about it, Sir, therefore we must read and try and do some research. Of course, Sir, abortion has been with us for a long long time, because in olden days women used to do some very funny things in order to terminate their pregnancies.

6.45 p.m.

I think I had better say "terminate the pregnancy", because even in England and there was no term as "abortion" under English law until 1967; so let us come to "termination of pregnancy", since that is a posh phrase.

In the olden days, women used to skip to terminate their pregnancies; they used to be jumping around from heights; they used to fall down stairs purposely, you know, and when they failed they resorted to pushing some crude objects in their cervix and vaginas, things like knitting needles, crochet hooks, scissors, hat pins and pencils and other household objects, but with some disastrous results.

Asides.

SENATOR W. W. HALL: Senator Seale says I know a lot. I am saying I did some research. I am not a doctor, and to contribute meaningfully to this Bill I thought I should do some research. If you say I know a lot, yes, I know a lot. It is written that women in olden days used to do these things — and with disastrous results. That is a fact.

Now, Sir, we also have to look and see that even in the civilisations of the Greeks and Romans, they considered abortion as a means of limiting their population, because they wanted to ensure good economic and social conditions for the people. In ancient religions, abortion was a freeness.

I have also searched the Bible. I find solace in the Bible whenever I have the need of good knowledge — not in a crime story like Senator Trotman — and I have found nothing in the Bible about abortion. Psalm 139 alludes to it in a way, and it is true to say that God was so displeased with Onan when he did what is now considered one of the twelve recognised forms of contraception in Barbados, the method of withdrawal.....

Asides.

SENATOR W. W. HALL: Those are your words. I am not interested in any *coitus interruptus*, I am interested in withdrawal.

Onan's brother died because he was a wicked man and God struck him down. Yes, Senator Trotman, that is what God used to do in those days when you were wicked. He used to strike you down. Just because you are living today does not necessarily mean that God is dead.

The point I am making is that he was told by his father to go in and consummate the marriage because it was imperative he should continue the line, and Onan did not do it, and when he spilt his seed on the ground, God killed him. These are references that I have found in the Bible, and I tell you I have searched and searched, because there has been little information on this subject.

I daresay that I must agree with Senator Mrs. Reece who said, and I have a note here, that the Bill should have been published. It should have been published, and I will tell you why later, because although there may be abortions in cases where the lady has been raped, or indeed it is possible that having that child would cause her mental agony or impair her health, or even in the case of incest, it is my considered opinion that these three instances will only amount to about ten or fifteen percent of the amount of abortions that you will have. It is not common that every day somebody gets raped or there is incest, and it is not common that her health would be impaired.

People look at it in different ways. If you were to read the Talmud, you will see that the Jews believed that if the lady was in danger, they would mutilate that child piece by piece, and if a portion of the child was in evidence, like, for instance, his head, then the mother would have to die. The Catholic religion, Sir, looks at it another way. They say they do not believe in abortion and they believe that it is better to have two deaths rather than one murder, because, Sir, if the lady is in labour and you cannot have an abortion, the possibility is that both might die.

So you see, Sir, in doing a lot of research on the matter, one then has to be conscientious in his approach to it, and that is why I say that the Democratic Labour

Party has not intimated to me, and I know they have not intimated to anyone, that this is a party situation for or against abortion. It is surely a matter of conscience, and I think that that is the way to deal with a fundamental issue like this, because it is only when it is a matter of conscience that one can truly look at the position objectively.

Looking at it as a matter of conscience, I would think that even the drafters of the Bill would have had to look at it that way. I cannot imagine someone drafting this Bill and is a conscientious objector. He would not do it properly, and if anyone had told them this is what was supposed to be done, they would object, especially when we have in Section 10 "subject to subsection (4), no person is under any legal duty to participate in any treatment for the termination of a pregnancy to which he has a conscientious objection." That is good.

I feel that in looking at it, we must put ourselves in the position of the thinking of some of the young people of this country when they find themselves in these positions. I believe that there are certain older people, people who are working, who cannot afford to raise any more children. They cannot afford to raise any more children and Section 4, subsection (3) says that the medical practitioner must take into account the pregnant woman's social and economic environment, whether actual or foreseeable.

I think it was Senator Canon Jones who said that you are putting a lot of burden on the doctors. That is nothing new. The doctors always had to use their discretion, because if a lady came into a doctor and she was in grave danger of losing her life, I suspect, in fact I know, that it would be the thing to do to save the lady's life. I think this is common knowledge, but what is so important about it is that, even though he had saved that lady's life, he was going against the law.

I have a friend in England, a decent man. He is a doctor, and an English girl comes along, she is pregnant and she asks for help, and he says, "Well, you know, I can't do that, I do not do abortions" — and she begged and begged. She told him of her constraints, she told him about the fact that she is at university and that means the termination not necessarily of the pregnancy, but certainly of her education. And he feels, "Well, I would recommend you to a Jamaican down the road who will do it." Unfortunately for that doctor, the police apprehended the Jamaican, who spilled the beans, who called names, and do you know, Sir, that those policemen walked right at Lord's Cricket Ground and arrested that goodly doctor? The fact that he is such a good man, that he has been able to come out from the doldrums and today is back practicing with little loss of face is only attributed to the fact that he is a great human being. 6.55 p.m.

What I am saying, Sir, is that if that was done in Barbados, do you know how many decent people would be brought in? The point is that in doing something that is counted as good, you will find that they will find themselves behind bars. So the most important thing is that you will have protection for the doctors. They will have to use their discretion. The Leader said so, he said that they would have to use their discretion in this matter, but I submit that they have always been using their discretion, Sir.

We have the teenagers, Sir. They are a group that might find themselves pregnant. But what is bad about this, Sir, is that some of them, most of them, cannot afford to let their parents know. It has not been explained to them what the consequences will be, because these people are so decent; they are so busy to be honest with you, Sir, that they have little time to talk to the children who have grown up to be men and women in front of their very eyes. Do you know what happened, Sir, as had happened in the 60s and perhaps 70s in Barbados? Some boys of 18 and 19 have found themselves married at that age — we all know this to be true — totally incapable, Sir, of maintaining a young family, and yet you find that they have to be burdened at such a tender age with looking after not only a wife, but one child, and in another year or two three or four children.

There has been a high degree of differing opinions simply because some people are diametrically opposed to abortion in any form. They tell you that it is destroying human life and that we will become the abortion capital of the West Indies, if not the world. They get very emotional about these things.

Others say that you should legalise it. They say this because when women are forced to have 10, 12 and 14 children, they cannot cope with the situation, they are not able to go out and find a job to support the children, because, as you know quite well, having 12 or 14 children does not necessarily mean that their father is coming home to them in the evening, and because she cannot cope with that, they feel that it is undue hardship. They also feel that even if she goes out to work, these children are then lacking in maternal care, with its inevitable delinquencies, because, apparently, when you have many children without any maternal guidance, it is obvious that they can easily get into trouble.

I listened with rapt attention to everyone, Sir. I listened to Senator Reader, God bless her poor heart. She was honest, but she said something that affected me. She said that she was talking about a family, and she said "not a low class family." Now I ask you, what in Barbados is a low class family? Are you a low class family because you are poor? Is it poverty, or is it lacking in morals? I know there was no malice, I know this, Sir, I

am 100 per cent sure, but what I am saying is that if we say things like that and those people get offended, and they feel that, somehow, having 12 children is the thing, and that man out there is feeling that his ego is affected — because he is an ego tripper — and, therefore, boasts on his 20 children and feels that "if this woman wants to stop having children for me, I will find another." What happens?

We think in terms of the goodly Canon. He said that he did not think that men will know when women are on the pill. Sir, I tell you, you cannot be serious; not these youngsters nowadays, that is in your time! These youngsters nowadays know every trick in the book Sir. There are certain symptoms with women who are on the pill — we read of it everyday — and these youngsters know about them; they learn about it early.

When we were at school you could not even talk to a girl on the street; you could not. I went to Combermere and there was Senator Griffith above there at the Modern, and although he was going there, he could not even talk to them far less somebody from Combermere. But now there is co-education and youngsters are together more and more. And you will find, Sir, that unless we look at that situation at that level very seriously, we will all be in trouble. It is not a matter of a girl getting an abortion today, and feeling that because she gets an abortion, today that that is the end of the matter. The odds are that when a woman gets an abortion in 1983, she might well need another in 1984, if not in 1985 again.

Sir, you have to look at this thing pretty objectively, and that is why I am not really into this party line, Sir, not on this occasion. This is too fundamental an issue. This involves your children and mine.

I talked about the Greeks and the Romans and I told you about the Jews who used to mutilate the children — Christ was a Jew — was he not? — and that is what they used to do. I told you about those people, but I am not particularly interested in the Ancient Greeks and Romans. I did not go to Harrison College and learn Greek. I went to Combermere — no Greek. I am telling you, Sir, that what happens to Bajans is important to me, not the Greeks and Romans. I want to know that when our young daughters are in trouble, I want to know what are we going to do to make sure that they can get out of it.

It is alarming, Sir, but practically all the young ladies that I talked to of child-bearing age — that is important too, Sir. We talk to a lot of old people about abortions, what about the people of child-bearing age, the people who are going to do the damage, or who damage is going to be done to? What are their views? Do you know that nine out of ten of these people believe that

this very Bill legalises abortion? Hence, I believe in what Senator Reece said, it should have been published. If this was published, they can read — we boast of our great educational system — and they would have understood, but to have the young women of this country going around believing that this Bill legalises abortion is a sad commentary on the public relations of this Government.

The Bill does not legalise abortion, but they feel so, and that is important. The Bill itself is not clear. Let us have a look at it, Sir. It suggests abortion on demand. I would prefer to wait until the Leader comes back in here, because he batted quite well this morning. He was conspicuously honest. He said that he believes in abortion by demand. He batted until lunch and he declared his hand. He believes in abortion on demand. Let us face it, Sir, he is honest. I think that Senator Barrow will agree with me, if on reflection he looks at it again, that he will say abortion by request. I do not believe that Senator Barrow will go around demanding abortions, I feel that he means abortion by request.

I have a feeling that when we get down to the nitty-gritty it is a situation where we do not particularly teach our young people from early to respect their bodies. I think, Sir, that a woman is like the earth. That is why you call her Mother Earth. You say Father Time, but you say Mother Earth. You have to till her, you have to cultivate her, you have to love her, you have to do all those nice things to women to get them to produce.

Aside.

SENATOR W. W. HALL: I mean produce good, Sir. My record is clear.

What is fundamental, and what is really important, is that you cannot abuse her, because you have to try and avoid the mental torment and anguish, and let us face it, they are the mothers of your children.
7.05 p.m.

I have not yet heard of any men who have had children come to think of that, Sir, I saw a television interview the other night; a goodly Father and two ladies, and someone asked the Priest how would he know, because he did not have any children. To the best of my knowledge, one of the ladies there never had any children either, but nobody ever said anything about that.

What I am trying to say, Sir, is this, that we cannot walk around and feel that because somebody might disagree with your view on a question that is as sensitive as this one, that they are idiots. You cannot do that, Sir. I think everyone is entitled to his or her own opinion, and I feel that on a question like abortion, there are the pros and the cons.

I really feel that the crux of the matter is the decline in the moral conduct of the entire community. That

is a fact. It has led to a deterioration of standards, it has led to a deterioration in our behavioural patterns, and this has culminated in the fact that we are now faced with something like 4 000 abortions. A Minister said that; those are not my statistics.

Talking about research, Senator Clarke said she did some research. I do not want to misquote her. She said that in ten years, between 1973 and 1983, there were 90 articles, but she need not have done all that research, because of page 343 of the Report of the National Commission on the Status of Women in Barbados she would have seen, and I will read it:

"This is nothing to do with other newspapers that are available in Barbados, for example, the Caribbean Contact, the Catholic News, which also carried articles on the debate in the Caribbean Region. In fact, with about 90 articles appearing over the past five years, it may be said that the abortion issue has been occupying the public attention for some time."

This is from 1973 to 1978, so all we have to do is to read the Report of the National Commission on the Status of Women and we will see exactly what the situation is. So you see it is a good thing to do some research, Sir? It is a real good thing to do some research.

It is because I feel very strongly on this issue, it is because I feel that the public of Barbados is not particularly clear, despite the fact that it has been debated in the Other Place and has now taken up the better part of today, I feel that the Government has to be castigated for not going ahead with the postponement when the motion was being put forward in the House. It was postponed one Tuesday and the debate resumed the Friday. I say, Sir, in my humble opinion, in an issue like this, I think you needed a bit more time. That is evidenced in here. Nearly every Senator has spoken on it.

SENATOR THE HON. N. A. BARROW: On a point of order, Sir. I am not sure whether the honourable Senator is critical of the Standing Orders of the other House or what, but I think we need to recognise that a motion for postponement is nothing new. It happens all the time. You postpone an issue, and you take it up sometimes later in the same day, and if you want to postpone a matter till a particular time, you state that in the motion.

Mr. PRESIDENT: I think that on this matter Senators must remember that it is not in order to criticise or to appear to criticise how the Other Place performs its functions. I think we have to be very careful how we handle a situation like this. We are only getting second

hand information from newspapers and things of this sort. Let us avoid the issue.

SENATOR W. W. HALL: I thank you for that, Sir. I do not like second hand information; I do not like second hand roses; I do not like anything second hand. My information was not really second hand, Sir.

All I was saying is that although I am cognisant of the fact that when you adjourn you can pick up the tabs at a given time, you do not have to wait four months or three days, I was saying that the debate in here today is ample evidence that this Bill is an important one and one which it is possible that you would need some time to discuss it. That is all I am saying, Sir.
7.15 p.m.

One of the things that we have to be very careful about too, Sir, is that when our womenfolk have to have an abortion for any reason, it is a matter, at least for them, of great secrecy. Sir, it has to be secret, secret, secret. I tell all of you Senators under the sound of my voice tonight that if you do not believe that, you do not know our womenfolk. They do not like the idea of something as personal as abortion being knocked around.

If you were to look into the marketplace and see what actually happens, you will hear one person comment to another, "I never 'thief' peas in the market yet," "I do not have any children in my knees." These are the disparaging comments that people hurl at one another. The abuse is something that is not pardonable at all, Sir, and women in this country will not, whether you make it law, the Government or the Opposition or whoever, I am saying that they will not feel good, they will not feel safe, they will not feel happy, if something as personal as abortion can be leaked out to the third person. I say "third" because in most cases it is the woman and the doctor, and, after all, sometimes abortions should be just that, the woman and the doctor.

I have listened to all four ladies in the Senate speak on this issue, Sir, and it seems to me, at least coming from Senator Reece, who I think was on the committee.

Asides.

SENATOR W. W. HALL: I am not referring to Senator Mr. Reece. Senator Mr. Reece, if he wants me to tell him what I want to say about him, he is fearful that Barbados will become a haven for abortion. Senator Howell said, "Have no fear, Section 12 looks after it quite adequately," but Senator Miss Clarke said, "Oh, no, this place is already the medical capital of the West Indies, and that includes terminations."

Mr. PRESIDENT: If you can give way. Do you wish to elucidate a point, Senator Miss Clarke?

SENATOR Miss J. CLARKE: I just want to elucidate what I said. I was never intending to suggest that Barbados is a medical centre for the Eastern Caribbean for abortions. I simply said that it was a medical centre, that people came here regularly for medical attention.

Asides.

SENATOR Miss J. CLARKE: I did not say that. I never implied it. I was making the point that if it does happen, there is nothing wrong with it. I did not say that we are doing it. I just want to have that clear.

Mr. PRESIDENT: Order, order. Proceed Senator Hall.

SENATOR W. W. HALL: The record is there. Perhaps when we read the Hansard Report, Sir, we will determine for ourselves what was said, or implied.

Mr. PRESIDENT: Order, please.

SENATOR W. W. HALL: Sir, can I continue?

Mr. PRESIDENT: I asked you to proceed.

SENATOR W. W. HALL: Oh, I did not hear you, Sir.

What I would like to put forward is the view that whether or not we pass a law in Barbados on abortion, like crime, you will find that it will not completely stop it. What we should try to do is to minimize it in the first instance, and having done that, we would have gone a very long way towards the total eradication of it, Sir. But how do we do it?

Do we do it with this Bill, Sir? A Bill that whereas I personally will never tell anyone, now or never, that I do not agree that in the case of rape, the lady should have a termination of the pregnancy. Rape is a serious thing. There are cases in the police records where young women have been raped not by one, but perhaps two men, Sir, definitely two, or perhaps three.

Asides.

SENATOR W. W. HALL: Four, too? Four! I have not heard of that.

But, Sir, the point I am making is that this young girl will have the courage to go to the police and go through the torture, Sir, trauma — that is a good word — it is very traumatic, and what happen, Sir, is that she must go through a long line of criminals and, unfortunately for her, she may not see those two men there — but she has been through it and they have not been

apprehended. Not that the police have not done a good job, but they cannot catch everyone — and she may have been raped by two or even three men.

There are many young girls in this society, Sir, having fallen — I am being very careful today with my tense, Sir — having fallen victim of these unscrupulous men, find, Sir, that, for years and years, their sexual life is but a disappointment. They cannot come to grips with the situation anymore.

Conversely, Sir, there are some women, who, having had an abortion, will tell you at the age of 50 that they can still hear that baby crying — although they had the abortion when they were 19. Sir, it is in here, you see. It is a serious business, and that is why I began by saying that abortion must never be a punishment. That is why I said that, Sir. On the other hand, there are some women that you will find may have one, or in her lifetime may be two, and her experience may not be the same.

But, Sir, we have to think in terms of the fact that we, as responsible citizens of this country, must not allow ourselves to be fooled by the utterances of people who should know better. You are a doctor, Sir, and a very good one and no doubt, Sir, some of your friends might well be in here, or even in the Other Place, and you will find that they have to come to you, as parliamentary representatives, with a situation like this. Their young daughter is in trouble and they come to you for guidance, they come to you for help. What is your recommendation? Do you do it in terms of what your party says or do you do it by letting your conscience be your guide? That is the thing.

There are some countries, as you may well know, where they do not believe in abortion, and yet there is a continuous flow of children from a poor, poor family. I think Senator Reader alluded to that. They do not believe in abortions. What is more, Sir, not only do they not believe in abortions, they do not believe in using contraceptives, and that, I dare say, compounds the issue.

7.25 p.m.

So, as I said, what will we do? We must educate our youngsters definitely. We must have an education component in our family planning programme. These programmes will now have to be broadened so that our kids will know everything about their bodies. They will know that if they do not adhere to the teachings that wiser counsel gives them, the consequences will be great. We have to do this to our children for their own sakes. It will also save us a lot of heartache.

It is significant, Sir, and God knows I am not a racist, certainly not, but haven't you noticed, or haven't we all noticed, that middle-class people in Barbados and

white people do not have this problem? Do you see it in evidence as you walk the street? I ask you why. It seems to me that they will prevail on their children, but in the long run, if they find that they are big enough and the type of activity they might indulge in would seem to bring them to ruin, you will find that they will persuade their children to use contraceptives even though bitter that may be. They will think that that is a lot better than taking the anguish of a teenage girl having to have an abortion.

Our society, Sir, makes sure that it is more embarrassing for a young girl to go through with a pregnancy than to go and have an abortion. After all, we talk about a back street abortion. I do not agree with that either. These illegal abortions are not necessarily in back streets. I would believe that back street abortion people would have some good money and would be in some posh homes too; so do not let us feel it is happening in any back streets. It may be happening in a park, and when I say "park", I do not mean Queen's Park, I mean in the vicinities or the environs of places where the name ends with "park", whether it is Prior, Regency, or any other park.

I am saying that this back street language gives the connotation that it is an operation down in Busby Alley or some place like that. That is not necessarily so. It simply means that when we believe in these things, we feel that doctors in Barbados can be given the responsibility of deciding, according to Section 4(2), with "The written statement of a pregnant woman stating that she reasonably believes that her pregnancy was caused by an act of rape or incest is sufficient to constitute the element of grave injury to mental health required by subsection (1)(a)".

Now I know that the Leader said that people will not lie about their condition, but I am putting it to this Honourable Chamber that people in that position are very desperate. It is not that they are liars; far from it, but they are very desperate, and I daresay this is so ambiguous that I feel that we have to do something about it. When you look at the quality of debates emanating from here, there is no doubt in my mind that we have the right, if we think we must educate or even enlighten the others of the Lower House, to do so if it is for the betterment of our society and of our children. That is why I cannot agree with Clause 12(c), which says that

"The Minister may make regulations in respect of the records to be kept by medical practitioners or other persons of the pregnancies terminated and in respect of the submission of the records to the Chief Medical Officer, together with other prescribed information."

I cannot subscribe to the view that the women of this country will not feel as if someone else knows their very personal business in this matter. I know I will be told that Clause 14(2) says that:

"A person who unlawfully discloses information obtained by virtue of paragraph (d) of section 12 is guilty of an offence and liable on summary jurisdiction to a fine of \$2 500 or to imprisonment for 12 months."

In the case of some crimes, people still do. I am only saying that if people feel that there is a possibility of someone else knowing, a remote possibility it may be, they would be rather apprehensive, and that is why the possibility exists that the same illegal or back street practitioners will find that their trade could well be increased.

I will tell you why. If a girl cannot go to her parents because the old man will hit her if she goes, and she goes to a doctor and does not qualify because it was not incest or rape, and she is a healthy young girl and there is no evidence that she will be impaired mentally, she might well find that she would have to go to the illegal chap. That is why I said when the Minister said that he agreed with abortion on demand, that I believe that is what he was alluding to.

Sir, I will end by calling for a committee where this Bill will be sent for greater study. I will tell you why. I feel that we have to iron out the ambiguities, and I will move a Resolution. I know that I might have to wait until the Second Reading if you so direct, and if you do so, so let it be. I honestly feel, and I am speaking from the bottom of my heart when I say this, that we must seriously look at making sure that the young women of this country get the best possible deal, because I recognise that young women, and even married women, who are made pregnant by men who are not their husbands, have to live with the fact that society will reject a child that is called an illegitimate child. It is because of that that I feel we have to look at it.

Sir, the problem is that there are some men who do not want any more children, but the women do; there are some women who do not want any more children, but the men do; so I am saying that unless there is a clear understanding and some consultation goes on, we will have this mixing up of ideas, and if we as adults are mixed up, it is little wonder that the children who are in our homes are equally, or more so, mixed up.

In conclusion, it is an easy thing for people who have had more children than they think they could support to get medical attention. One can think of as simple an operation as tying off the fallopian tubes.
7.35 p.m.

I hope that is the tube that you have to tie, Sir, but that comes to mind. But if that is done, there is a very simple incision, Sir, and the matter is fixed. I think we should encourage, through public programmes, adults who are in these positions to go about it that way.

I am fully aware that to have to go to the hospital and have a 'D and C' is something that can be easily done. But, Sir, what bothers me is that the poor man in the streets out there, in the rural districts and things like that, are not in that league. They do not get these things, Sir. You have to pay for them, and medical care is expensive.

I feel — well, the Government will have to decide — that when people get X number of children, you can investigate the situation and see if you can counsel them. I see that there is provision in there. I have not lost sight of that, and no doubt counselling will be in this form, where you can advise people, for what it is worth, on the disadvantages of having larger families than you can afford. You can do it, Sir, by massive education, you have the Government Information Service, you have the mobile cinemas, and you have the Family Planning.

Do you know, Sir, that people feel that family planning fails? I personally do not think so. I think women get rather careless. I think people take a chance, and when this happens they get into trouble. Maybe it is our responsibility, as decent citizens of this country, to be a little closer to our children, to make sure that they are not in the type of situations that are conducive to the type of behaviour that ends up in abortion. Maybe if we were to encourage them, that their friends can come at home where the parents are not snooping Sir, not looking, but at a relatively safe enough distance that that type of behaviour is not encouraged, that promiscuous behaviour is not particularly encouraged. Maybe if we would do that for a little while, a little longer, to give our children an opportunity to understand exactly what their role in life is, Sir, we will be doing the best thing.

So it is not a matter of an abortion for A or an abortion for B. It is not a matter of one political party getting up and defending it to the hilt and the other knocking it down because they are in the Opposition. I am saying, Sir, that we have to look at it with a view that we have to come to grips with this situation.

I have read the debate in the House, and that is what I see from it, that, somehow, we are not all seized with the facts of the matter, and, therefore, we cannot make the type of contribution that people in our position should make.

I do not know, Sir, if you will direct me now, Sir, as to whether — as a matter of fact, Sir, I crave your indulgence

now. I think that I will make any further comment that I have to make when it comes to Second Reading.

Mr. PRESIDENT: This is a Second Reading. If you wish some guidance on the point you were making about the Select Committee — is that what you want the Chair to guide you on?

SENATOR W. W. HALL: Yes, Sir, I would be most grateful.

Mr. PRESIDENT: All right, the motion for the Bill to be referred to a Select Committee must be made immediately after the Second Reading.

SENATOR W. W. HALL: I am very grateful Sir.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Thank you, Mr. President.

Mr. President, time was when I used to bat at No. 2 on this team, but now I have relegated to No. 11 and it seems to me I am lucky to be on the team, too. I shall have to do my best to improve my position, and see if I can get back to No. 2 in a big hurry. I notice from our Annual Conference speech that the Prime Minister had been admonishing us in the Senate to be more vociferous in these matters, and it seems that I will be dropped and Holding or somebody else brought in if I do not rectify the situation.

But I shall not waste the time, because there is another constraint. The Leader tells me that he wants to reply to some of what was said — and some of what was said is not worthwhile replying to, particularly that from the last speaker. But he told me he wants to reply to some of what was said by 8 o'clock and that leaves me with about five minutes to say what I have to say.

That does not bother me too much, Mr. President, because, to be frank with you, I am tired with this debate — not here this afternoon — but I have been hearing the debate on abortion since 1967, when I was a law student in England — and I followed it right through then — and I have followed the debate on the Singapore Bill, that was in 1974, and believe you me, Mr. President, the arguments enunciated here, in the Other Place, and outside, have all been used in all these countries. In fact, I sometimes think that the person speaking here were in those particular countries when the Bills were being formulated and debated. That is what the good old Bajan in the back street would call "all old hat", because it is well-trodden ground.

It is interesting to note that in all those countries where we have had this tremendous amount of debate, the Bills have been passed and they now form part of the laws of those countries. But what is even more interesting, Mr. President, is that in all those countries where the whole idea of legalising abortion originated, the Bills are wider than the Barbadian Bill.

That brings me to the main point which I want to make, because I will have in the circumstances where I am governed by constraints of time, I will have to restrict myself to a legal exposition, and I will have to restrict myself further to the legal points that were raised by the other side. But the main point that I want to make, which is not a legal point, is that whereas I want to state that I support the Bill in toto, I want to go further — I want to say that it is not wide enough.
7.45 p.m.

I think that this Bill should have followed the English provision. If we have a quick look at the English provision, we will observe that the Abortion Act of 1967 of Great Britain not only provided for danger to the health of the mother or child, but also danger to the other children of the person who seeks the abortion, to the family, and to that extent it is wider.

Of course, the Singapore Bill is even wider. That is really abortion on demand. I would even go as far as the Singapore Bill. I do not have time to develop what I would like to say on that point, Mr. President, but I wanted it to go on record that I would like a wider Bill brought in here, and I hope that in three to four years' time, when we do as Senator Lynch suggested, and as Senator Clarke suggested, and appoint a national committee or some commission to consider the operation of this Bill, which will then be an Act, that that committee — I hope I will be a member of it, to tell the truth — comes back and recommends that we remove all those constraints and give them abortion at the request or demand of the person who it concerns and touches directly.

It does not touch any honourable male Senator in here at all, it touches those females out there. He who wears the shoe knows where it pinches, and I trust that a committee will have a look at it in about two or three years' time, and I hope I could be a member of that committee, too. Even if I am not part of the majority, I will certainly submit a minority report that you should remove all the constraints and have it done. I do not have time to develop that now, maybe at some other time I will seek the opportunity to do so, Mr. President.

What I want to have a look at now is this question of good faith. I am surprised that such a well known legal

term of art as "in good faith", in this case attributed to the medical profession, should have lent itself to such misconstruction and misinterpretation. I would expect even laymen who are not well informed to understand the meaning of good faith where it is used in this particular context.

It is not only used in legislation of this type, it is used in industrial legislation, it is used in commercial legislation, it is used in a host of legislation. It is not the first time we have come across it. Why should we then, Mr. President, ascribe to the medical profession a lower sense of professional ethics than we ascribe to other professions? Why should we seek in advance to cast aspersions on the integrity of the members of the medical profession if, indeed, we understand what the term "good faith" means?

I, like Senator Hall, have done lots of research on this and, as I have told you, I am tired with the debate. I have studied this book which contains three studies of abortion laws of the Commonwealth, it is a publication of the Commonwealth Secretariat. I do not want to make it a document of the House, because it is not mine, but in the section on English law at page 16, Good Faith, it states:

"The requirement of a physician's good faith in making a medical assessment of a woman's needs or qualification for abortion imports an obligation to apply proper professional criteria of health care and not be motivated by ulterior or non-professional purposes. The primary urge to earn a fee, for instance, may be ulterior in this sense. See the case of Emberson, which is a Fijian case of 1976. But so equally may be the pursuit of a social or other philosophy."

It goes on to expand and to show from previously decided cases what is meant in law by "good faith" in context of a medical practitioner performing an abortion.

I do not think we shall have any difficulty at all in the courts of Barbados interpreting what is meant by good faith, particularly as our law uses the English law as precedent. Our own Bill here, if you look at it closely, is a creature of English law, and we in Barbados follow English precedents, English decided cases. So as England has a system gleaned from its previously decided cases to determine what is meant by good faith, so too, will we have a system to determine what is meant by good faith.

That brings me to another point raised by Senator McClean regarding Section 4(3). He is concerned with the matters which the medical practitioner must take into account in deciding whether or not a pregnancy should be terminated, and included in these matters are her social and economic environment.

Here again, Mr. President, this is well trodden ground. In legal circles, in welfare circles, in social circles and almost in every circle, the term "health" has been given a very broad interpretation. The World Health Organisation defines health as a state of complete physical, mental, social and economic well-being, and not merely the absence of disease or infirmity. It is trite knowledge that all the agencies of the United Nations, all international institutions, refer to the definition that is used by the World Health Organisation when they want to determine in a context such as this what is meant by health.

Where it talks about a woman's health being affected as being a reason why her pregnancy could be terminated, and then it goes on to ask the doctor to have recourse to look at also her social and economic conditions, all the Bill is trying to do is to make assurance doubly sure.

Just one more minute, Mr. President, to refer to this question of secrecy, confidentiality and all that. There is no danger about it at all.

Aside.

SENATOR H. R. LINTON: Very well. The Leader is going to refer to that.

Just one point, the last point raised by Senator Lynch. She stated that it would seem to her that most countries that have legalised their abortion laws are now going back on it. I have not gleaned that from a study of this report at all. The Layne Commission in Great Britain has specifically stated that the law should remain as it is, the Basil Report in Canada has specifically stated that the law should be even further. It has been legalised, and it should be liberalised now. The McCollin Report in New Zealand has caused its law to be liberalised.

We in Barbados are not liberalising the law as one Canon — not the honourable Canon here — another Canon who has left working as a priest and has gone working for money — talked about liberalising the law. We are not liberalising any law, all we are doing is legalising something that is now taking place illegally. A legislation of the law would be something akin to the British legislation or the Singapore legislation. We must get our terminologies right.

I am very sorry that my time has been so limited. I promise that now I have got back into form, Mr. President, I will be batting at No. 2 next time, and when I say I will be five minutes I will be five hours.

Thank you, Mr. President.

SENATOR THE HON. N. A. BARROW: Mr. President, rising to reply to the few outstanding points, I

wish to begin by making the observation that whereas we just had a performance in which only because Senator Hall ran out of breath he stopped, the effect of running out of time has had a singularly salutary effect on a certain colleague of mine. I have not heard him put so much into a short speech in a long time, and I therefore think it would be well for us to keep him under pressure. The points he made were extremely important point to get across, and I think it says something for Senator Linton, when he really puts his mind to it, as to the way he can efficiently deal with important matters in a short span of time. I am very glad I have had that opportunity to listen to him.

I am going to reduce much of my reply, naturally because we need to take the staff into consideration, and normally nine hours is the limit and I notice they were kind enough to let us finish.

The point which Senator Linton was about to deal with, and I asked him not to deal with it, has apparently arisen out of a misconstruction of something which one of the speakers on this side said. I do not remember which speaker it was, but there was a speaker who went into some detail on the regulations, and in such a way as to give the impression that the return of information to the Chief Medical Officer would indeed be such as to reveal what should normally be confidential doctor-patient matters.
7.55 p.m.

The Barbados Association of Medical Practitioners has advised against naming women in the reports on the very ground of the confidentiality of doctor and patient, and it has been decided that reports submitted to the Chief Medical Officer will not bear the names of any of the women who have had to have the operation performed.

I wish to repeat that, because I notice that, quite reasonably, Senator Hall took off on the point, and as long as it is believed that that would be so, I think that it is a very important point to deal with, but Cabinet has already agreed that there will be no requirements whatever to name the woman. So that matter, really has been settled.

I am sorry that I cannot deal with other points raised by Senator Hall with the same seriousness, because I heard him begin by saying that the Opposition cannot be blamed this afternoon for stretching out this debate, and then he proceeded to do precisely that. I think that Senator Hall believes I am talking about how long he spoke. I am not talking about how long he spoke; what I am really talking about is how long he took not to say anything.

It was an interesting combination and, up until then, I had certainly come to the conclusion that not only was this a very interesting and absorbing topic, but it was one, in fact, which admitted of no comedy — it was serious business — but the Senator again exhibited the art of producing comedy, and finding comedy where there was none. I suppose we need to have our lighter moments, especially near the end of a long day.

But I need to deal with Senator Hall and Senator Greaves on one point. One thing came out of the debate in the Other Place, and it has come out here this afternoon, and I wish the Senators would not try to tell us that they have come in here with the whip off. They have not come in here with the whip off at all. In the Other Place, there was an agreed position, adumbrated by the speech by Mr. Weekes, a position of moving for a delay. Both Senators this afternoon are in that position of moving for a delay.

Asides.

SENATOR THE HON. N. A. BARROW: Well, Senator Halls says it is not true. So just let me say that it is an unfortunate coincidence that, with the whip off, the party took a line in the Other Place which was reflected up here, a consistent line, which has been just to delay this matter as long as they can.

I do not think there is any matter of conscience when you come to delay important legislation. You are either for it or you are against it. You are either for this kind of legislation, or you are against it.

There are certain points which have been made by other Senators, and which have to be answered, because, evidently, they represent serious positions. I wish to deal therefore with the objections raised in Section 4. Section 4 lies in the crux of this whole Bill.

Canon Jones is unhappy about Section 4 (3) and he was unhappy about Section 8(2). He did not mention any other sections.

Section 8(2), I believe, Sir, that is the section that relates to the need to have parental consent where the person is a minor or of unsound mind —

“termination of the pregnancy under the age of 16 years or of a person of unsound mind of any age shall not be administered except with the written consent of her parent or guardian”. He raises the very important question, because his concern there is what happens if the parent refuses that consent. As I understand Canon Jones, that is his concern.

Sir, it has nearly been five years since teaching the law, but I believe it is fairly good law to say that, where

permission in such circumstances is required, such permission is not to be unreasonably refused. Is that still the law Senator Linton? Such permission is not to be unreasonably refused, so in all such situations, one does have recourse to the Courts if it should really come to that. I believe that would take care of the Senator's objection.

As to Section 4(3) I am going to take that when I deal with other points raised, for example, by Senator Ward, who has raised that and others.

I want next, Sir, to deal with the fears of those who talk about the abortion capital. I want to make the point that when we are talking about Barbados becoming the abortion capital in the Caribbean, we cannot be talking about this Bill. We cannot be talking about this Bill, Sir, because as I understand it, as I have sought to explain it, and as I will explain it again, where considerations are as narrow as there are in this Bill, short of Senator McClean's thesis about want of faith among the doctors holding up — because I do not know if he intended it that way, but that is the only logical conclusion that I can come to after having heard Senator McClean dismissing the point about good faith — I cannot see that happening.

If we decide that doctors will behave in an unethical manner, then you can ride a horse and five through the Bill. But just let me ask one question, Mr. President. Is the horse and five being ridden through the present Bill. Is the present Bill entirely prohibitive? The point is that there are certain things that we are not able to change, whether we admit it or not; that bringing a Bill, which sets limited conditions, will not stop those who believe that they should continue to deliver a service on demand, and we must understand that. We must understand what the realities are, what this Bill can achieve and what it sets out to achieve.

The Bill is a humanitarian Bill designed to deal with those specific cases, which are the cases of greatest need. That is what this Bill is about. It is not a Bill that can reasonably be designed to deal with the back street abortionists. I said that when I started, and I will say it again. You cannot limit it in this way, in a community which already has abortion on demand, and expect that it would put the back street abortionists out of business. I have made that point over and over, and I believe that is a logical position.
8.05 p.m.

The problem is that in social legislation, if you word it too tightly, the number of people to whom you expect to deliver the benefit will be beyond the pale; whereas if you word it liberally, there is a danger that one or two people, who are not intended to slip the net,

will slip the net. But that is the choice. You have to make that choice. There is no really perfect way, no fool-proof way of drawing legislation of this sort. So that really is my answer to Senator Ward's fear of Clause 8(2).

Let us look at Clause 8(1). What are we talking about? We are talking about protection of the interests of the medical practitioner here. We are saying we are giving him a device. The responsibility, really, is his. He may feel that the circumstances are so obvious that he does not want to make a person sign any written permission, because women feel that when they write something about that kind of business, their business is going to get out in the open, and out of sensitivity he may decide that he is not going to require the women to write anything. If, on the other hand, he feels that this is a situation where he needs to protect himself, we give him the teeth. You can say, okay you sign the permission.

That is why it is done that way, because if you make it too tight, then every women will have to write, and, again, that is enough to force some women to the back street, because they are not prepared in certain circumstances to put their names down. It is this delicate kind of legislation, Mr. President, which I am sure, if Senator Ward thinks about it, he will appreciate what it is. It is very delicate, very deeply personal legislation.

Now a lot has been said, Sir, about Clause 4(3), and 4(3) is the one which those who want to argue about abortion on demand are using. I could simply pose one question. If somebody is a patient in the Psychiatric Hospital and becomes pregnant as a result of contact with somebody working down there, you tell me what the doctor is going to take into consideration if Clause 4(3) is not in the law? I just ask you to look at it; look at the law and look at Clause 4(3). And it is not so far-fetched either, because twice a month they have pregnancies in that place that have to be aborted. I am not sure if all of them have to be aborted, but about twice a month. You tell me, Mr. President, without Clause 4(3) what is the doctor going to take into consideration in order to bring the person within the ambit of the law? We have to see these things together.

For people who talk about abortion on demand, I do not know whether the Icelandic law is described as abortion on demand. What I can tell you is that courtesy of Bishop Dickson, the Catholic Bishop, we have on this file a copy of the Icelandic law, which at Section 9 states "Termination of pregnancy shall be authorised in the following circumstances: (1) social indications; where it may be assumed that pregnancy and the birth of the child would cause the women and her close relatives excessive problems; on account of insurmountable social circumstances. In such cases account shall be taken of the following points: (a) the woman has given birth to other children at frequent intervals and only a short time has

elapsed since the previous birth; (b) the woman lives in difficult family circumstances due to young children or to serious ill health of other persons in her household; (c) the woman could not look after the child satisfactorily in view of her youth and lack of maturity; (d) other circumstances existing that are fully comparable with those referred to above."

Now that law is not supposed to be a particularly liberal one, and that is what that says, and when Bishop Dickson is writing saying the Ministry of Health and National Insurance should be complimented on its desire to eliminate the deadly poison of the unqualified abortionist by providing a legal alternative, that was the law that he sent for the Ministry to look at. So when you see all the things in the papers, you will understand what it is we are dealing with.

When you talk about social and economic circumstances, it does not have to be the narrow thing we are talking about here; we can talk about that kind of thing. What I am saying, Sir, is that it is impossible in dealing with this kind of legislation not to advert to social and economic circumstances, and in this Bill, the ambit is not nearly as wide as that, because in that Bill, the social and economic circumstance is a ground for an abortion.

In this Bill the social and economic circumstance is brought into play only to help the doctor to come to a conclusion as to the potential damage to the mental or physical health of the mother; and as Senator Linton pointed out, WHO, wherever you deal with it, you do not talk about health in this narrow confine now of freedom from disease. The point I am making there is that we need to fully understand the impact of Clause 4(3).

There is another point, as I said, in dealing with Senator Ward's point. My point, Sir, was that in social legislation, you have to draw it in such a way that the people you want to benefit will benefit. Somebody practising a little rascality gets through.

I am on record already, and I will say it again, that I do not believe people treat having an abortion as such a casual thing. I do not think they are so flippant about it that they go to any doctor and tell lies. I am not telling you that I can say that in more than general terms; there are always exceptions to the rule.

But the great fear expressed in here this afternoon, the great fear expressed in other places about Clause 4(3) now has to be faced fully, and it is this: that Clause 4(3) whether we say, like Senator McClean seems to say, ignore this thing about good faith, or what it is you say, because, really, there is no way of reaching the point unless you ignore the point about good faith. What it says is that some of the abortions which cannot qualify under

the headings set out in the Bill can by the existence of Clause 4(3) be made to qualify.
8.15 p.m.

Now I wonder if we have thought of the implications of this. Because in spite of something which one of the two Senators on the other side said, which indicated that this Bill would increase the number of abortions, I do not find the thought sitting very comfortable with me, that, having an act of legislation to reform the laws relating to abortion, all of a sudden everybody is going to go out there and get pregnant and therefore there will be an increase in pregnancies and consequently an increase in abortions. I do not know where this increase will come from.

I can only assume, and I believe that it is reasonable to assume, that if there is an apparent increase, it means that some of the people have been moved from the back street into the doctor's clinics and hospitals. In other words, Mr. President, those who fear that 4(3) will provide an avenue for persons other than those who have threat of injury to life or health, those who fear that 4(3) will let them in, are saying that they fear that 4(3) can have the effect of moving abortions from the back street to the doctor's clinics or the Queen Elizabeth Hospital.

I am, therefore, forced to pose one question. Is that something that you want to fight against, moving the abortions from the back streets to the clinics?

SENATOR A. W. A. McCLEAN: On a point of elucidation, Sir, I think Senator Barrow, in spite of the fact that he sought to speak on a point of elucidation in relation to what I said earlier, he seems to have completely misconstrued what I said on the point relating to 4(1) and 4(3). The essence of my point was not that you should not have legislation which will have the effect which he just indicated, but I was speaking on the overall integrity of the legislation, and I was pointing out that his construction on the legislation was very narrow and did not fit very well with the specifics here. I was not suggesting that you should ignore the question of good faith, or indeed that the doctors will perceive themselves acting in bad faith, I was making the point that under the law, it would be virtually impossible to establish a submission that the doctor did act in bad faith.

SENATOR THE HON. N. A. BARROW: That is what I mean Sir when I say that you have to decide in social legislation whether you are going to be positive or negative. If my emphasis, Sir, is in trying to bring the unfortunate victims of incest and rape within the ambit of legal abortion, and Senator McClean's emphasis is in trying to make doctors prove that they are acting in good

faith, the two of us will never agree, because that is an entirely negative approach. Now what earthly interest really is it to want to prosecute doctors and say that in this case they did not exercise good faith, unless you are saying that what they are doing is not for the general good? I cannot understand the preoccupation with this point. I think it is a niggling point of really little or no significance.

There are one or two other points. Just let me make the point fully, that criticism of 4(3) as it stands, and all I have heard of the criticism, represents an expectation that 4(3) can be used as a vehicle to bring some abortions from the back streets into the clinics. If that is not what it represents, then I do not understand what I have heard this afternoon. So there is no point of telling me anything about misinterpretation, because it is a matter of people who made the criticism evidently not making themselves clear.

I do not believe that this can result in doctors acting in good faith and, therefore, I say that it is an accusation that doctors are not going to act in good faith. In any event, I say if the result is to remove the abortion from the back street, we must search our hearts and ask ourselves the question, whether this is a good thing or a bad thing.

The question which I need to address is one posed by Senator Greaves quoting the Minority Report by Professor Carnegie. As I sat here and I said, "Is he a Catholic?", I believe Senator Greaves understood that the full impact of his point was being fully understood. Professor Carnegie happened to have been a University colleague of mine from 1957 and I know when he became a convert to the Catholic faith. He holds a strict Catholic position, and, as a result of the position by the committee, he found in all conscience that he had to put in a Minority Report. I think Senator Greaves is entitled to let us have the evidence that he was quoting another Catholic source.

The point, Sir, is that Senator Greaves also placed a great deal of emphasis on the second recommendation of the commission, and that recommendation says, "before tempting to change the law, efforts should be taken to ensure that the contemplated change represents the collective national desire and that the nation is made fully aware of the possible consequences of its choice."

I started this afternoon by going through the long history, as I knew, of consultations which had taken place including the 14 public meetings held by the Commission on the Status of Women and I did not at that time know, until Senator Reader spoke, that it did not go back to 1969, indeed it went back to 1957. That is why, even beginning at 1957, we had to take the position. It has been ventilated, it has been discussed up and down.

We have reached the point where there has not been a shifting of views. As Senator Canon Jones said, he can bet you that the people who are taking one position now have been taking that position for a long time.

It is that kind of issue. We have looked at that, and we know, Sir, that if you stop for further consultation, there is really nothing to be gained. Where the momentum was lost, was when Dr. Caddle, as Minister of Health, decided to carry to Cabinet his proposal that the report be noted, instead of ventilating that report in 1974 and having full discussion all that time. But no, it was just pigeonholed; they filed it away, and it was dusted and taken out after the change of Government.

We have made sure that those groups that did not seem to be fully consulted, have been consulted. Since there was a commission going around consulting the people as to the position of women under the law, and Senator Greaves said that abortion was not in any of the terms of reference of the commission, and that it was brought in after; even if that was so, that is commendable. But the fact is that the terms of the Commission included "such other matters in relation to the status of women in Barbados as may appear to the commissioners to be relevant; the omnibus clause. I do not think he really meant to say it was beyond the scope of the commission, but I am not sure what he meant when he made the statement.

8. 25 p.m.

I do not believe, Sir, there were any other points, but just before I sit down, let me make sure. It has been drawn to my attention that in the terms of reference is included all aspects of family planning and its application to women, which again would also bring the subject in.

Senator Hall said that 4(2) is ambiguous. His explanation of ambiguous is that people who may not normally lie are desperate in this position. I do not know what he means. He also says the society rejects the illegitimate child. A nation of 70 per cent rejects? That is completely contrary to my own experience. My own experience has indicated very, very little in the way of people being treated in this country to support that people are rejected on the basis of illegitimacy. I believe that objective evidence is there much to the contrary.

In this debate, some people have come a little close to suggesting that after a woman has had X number of children, there should be legislation to ensure that she has no more. I would just like to caution people who take that line, because if we are talking about this kind of legislation, I just want to say why I could not support it. There were some suggestions in the course of speeches about that. Senator Hall came close to saying it, but he was not the only person, somebody else on my side also

said it. It may be something that looks like an attractive idea, but, in fact, the business of people and what children they have is something to be handled not by coercion but by education and by programmes and information.

There is one final statement, Sir. Senator Hall and Senator Mrs. Reece in the course of their comments made reference to the public relations aspect of the handling of this matter. A little while ago there was comment about the public relations aspect of the handling of something else in here. I would wish to state that I consider that that sort of comment is legitimate and an extremely important criticism. Senator Lynch has made that point from time to time. It has caused me a lot of concern. As you know, I have responsibility for Government's public relations, and therefore it is not something that I would want to hear too often, but it is an extremely valid criticism.

We have a lot of reluctance in getting Ministries in this country to understand that as they plan their legislative and other programmes, the public relations aspect of those programmes must be planned with them. They just do not seem to think that the information input for those programmes is important. That is part of the problem, really of the Colonial Civil Service, where people feel that information is something to be held close to the chest and not something to be shared. We are having quite a problem, indeed in getting people to understand that, as you are going to do something of significance, it is important that you outline a public relations programme, a publicity programme, an information programme to go with it, so that people will understand what you are doing.

It is my deep conviction, especially after talking to a young man out there today, who started by asking me, "If your mother had had an abortion when she was pregnant with you, do you think you would be here now?" My response was, "Do you think so?" And, that aspect of a conversation came to an end. Shortly after, we got to talking, and I realised that what happened was that an ordinary intelligent person had simply not read the Bill. You can say it may not be necessary for him to read the Bill, and I agree, but if it is not necessary for him to read the Bill, then there must be some agency that spells out precisely what is in the Bill.

I understand the point and I agree with it. It has not been forcefully put before the public that this is what the Bill provides for, this is what the debate is supposed to be all about. Indeed, in the television debate last

Sunday night, it was very, very clear; every time the two ladies tried to get Father Blackett to talk about the Bill he moved away from that. I do not know if it is that he had not read the Bill either, but certainly if he had read the Bill he would have been on a very sticky wicket, and in any event the two ladies made sure he was on a very sticky wicket.

I take the point very much to heart. All I can do is to try to convey that I am not the only person who thinks that these things have to be integrated. I have avoided making any comment in the past when the point has been raised, but it is something I am very, very conscious of.

Mr. President, the final point. I was out of my seat, unfortunately, when Senator Canon Jones knocked my theology, but it was not really so much the theology. You see, I was trained as a historian, and I remember that when Henry VIII approached the See of Rome for a divorce, he used two texts in building his theological argument, one was taken from Leviticus and the other was taken from Deuteronomy, and they were arguments based on the text that says that if a man shall lie with his brother's wife, they shall be childless. Consequently, he was mounting a case that the stillborn children, which resulted from the union of him and Catherine of Ireland, were a visitation from God. Since the Anglican Church has such an eminent theological foundation, Sir, I thought it was reasonable that, in this debate, I should be able to use them.

Mr. President, thank you, Sir.

The question that the Bill be read a second time was put to the Senate and agreed to.

SENATOR W. W. HALL: Sir, I intimated earlier that it was my intention to make a motion. I crave your indulgence and seek your guidance on it.

Mr. PRESIDENT: Just make the motion.

SENATOR W. W. HALL: I beg to move that the Bill be sent to a Select Committee.

SENATOR A. W. A. McCLEAN: I beg to second that.
8.35 p.m.

The question was put to the Senate and resolved in the negative, the Senate dividing as follows:

NOES: Senator the Hon. N. A. BARROW; Senator the Hon. O'B. TROTMAN; Senator the Hon. C. A. GRIFFITH; Senator H. R. LINTON; Senator Miss J. CLARKE; Senator St. C. E. HOWELL; Senator A. P. L. REECE; Senator J. E. D. WILLIAMS; Senator Mrs. M. O. REECE; Senator K. A. ROUSE; Senator L. A. WARD; Senator C. D. SEALE; Senator the Rev. Can. I. McK. JONES; Senator Mrs. E. M. LYNCH; Senator Mrs. G. G. READER and Senator J. C. W. WICKHAM - 16.

AYES: Senator W. W. HALL; Senator E. E. GREAVES and Senator A. W. A. McCLEAN - 3.

On motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 3 inclusive were called and passed.

Clause 4 was called.

SENATOR E. E. GREAVES: Mr. Chairman, I just want to indicate that I already pointed out that there are provisions in Clause 4 with which I am in agreement, but I must confess that I have some difficulty in accepting the whole of Clause 4 as it is written, and I am going to ask for a division on this particular clause. I am not against all of the provisions in it, but I have a position on the entire clause as it stands, because I accept that there are certain provisions, so I want to make that very clear. When I call for division and vote against it, I am not voting against the entire clause, but there are certain provisions in the clause that I am not happy with.

The question that Clause 4 stand part of the Bill was put to the Senate and agreed to with Senator E. E. GREAVES dissenting.

A division was called for.

SENATOR W. W. HALL: Sir, I would like to indicate that I too have some reservations on this Clause 4.

Mr. CHAIRMAN: Mr. Clerk, please divide the House on Clause 4.

AYES: Senator the Hon. N. A. BARROW; Senator the Hon. O'B. TROTMAN; Senator the Hon. C. A. GRIFFITH; Senator H. R. LINTON; Senator Miss J. CLARKE; Senator St. C. E. HOWELL; Senator K. A. ROUSE; Senator J. E. D. WILLIAMS; Senator Mrs. M. O. REECE; and Senator A. P. L. REECE - 10.

NOES: Senator W. W. HALL; Senator E. E. GREAVES - 2.

SENATOR L. A. WARD: Mr. Chairman, I, myself, have some reservations on part of this clause, Sir. I am in favour of most of the clause, the first three sections, but I have some reservations about the last two, Sir.

Mr. CHAIRMAN: But the question deals with the whole clause and, therefore, your vote will now be expressed in terms of the whole clause.

SENATOR L. A. WARD: - abstained.

SENATOR C. D. SEALE - Yes.

SENATOR THE REV. CAN. I. McK. JONES: Well, Mr. Chairman, I am not sure about this. Did you say that if you object, you object to the whole clause?

Mr. CHAIRMAN: The whole clause has been put to the Senate.

SENATOR THE REV. CAN. I. McK. JONES: It is 4(3) that I object to. That is the only thing that I object to.

Mr. CHAIRMAN: The question has been put that the whole clause stand part of the Bill.

SENATOR THE REV. CAN. I. McK. JONES - No.

SENATOR A. W. A. McCLEAN - abstained.

SENATOR Mrs. E. M. LYNCH - No.

SENATOR Mrs. G. G. READER - Yes.

Mr. CHAIRMAN: Twelve honourable Senators vote "Aye", 4 honourable Senators have voted "No" and 2 honourable Senators have declined to vote.

The "Ayes" have it.

Clause 5 was called and passed.

Clause 6 was called.

SENATOR A. W. A. McCLEAN: Mr. Chairman, in relation to Clause 6, I did in my Second Reading speech indicate that I had some difficulty with the interpretation of this provision, and perhaps some consequences that could flow from it. I had stated then that it was not envisaged by this section that one would kill children which were alive after the termination of a pregnancy, and it was mentioned that the mental health of the unborn child was indicative of this situation - that the unborn child's mental health only comes into play if the child is alive. That was an aside made, I believe, from the Chair.

8.45 p.m.

As such, I think if that is the intention, and having regard to Section 4(b), that that can be made much clearer if the words in the third last line after "life" which are "of the pregnant woman" were deleted, in which case then the indication of saving the life would extend to the unborn child. In other words, deleting that would only make it crystal clear that the unborn child may have a life to save, too. As such, Mr. Chairman, I wish to propose the deletion of the words "of the pregnant woman" after the word "life" in the third last line of section (b).

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I really cannot understand Senator McClean's difficulty. Section 6 reads:

"The treatment for the termination of a pregnancy of more than 20 weeks duration may be administered by a medical practitioner, if 3 medical practitioners are of the opinion, formed in good faith, that the treatment to terminate the pregnancy is immediately necessary....." and then it says to do what: (1) to save the life of the pregnant woman; (2) to prevent grave injury to the physical or mental health of the woman; or (3) to prevent grave permanent injury to the physical or mental health of the woman or her unborn child.

It seems crystal clear to me. The first thing you want to do is to save the life of the pregnant woman. The second consideration which will invoke this section is to prevent grave injury to the physical or mental health of the woman, and the third consideration which may invoke that section is to prevent grave permanent injury to the physical or mental health of the unborn child.

The point, Mr. Chairman, is that the law recognises that if the foetus has reached a certain age, that we are now dealing with a human being capable of having independent existence, or if we are dealing with a human being capable of a viable existence outside the womb, special conditions will have to obtain, and what this law says is that this is nothing to do with rape or incest.

We are now dealing with the extreme cases; we are dealing here with what would come under the heading, generally, of necessity; to carry that child longer will mean almost certainly the death of the mother or the death of both, therefore you may have to take a decision, and the decision which the law envisages here is that the

life of the mother would normally have priority over the life of the child; therefore the saving of the life of the pregnant woman has to be stated as a separate consideration which can invoke this Bill.

Now we may not be in the extreme case where that is the one being invoked, but you may be in almost as serious a situation where you are dealing with grave injury to the physical or mental health of one or the other, and in these two cases, grave injury, physical or mental health of one or the other, this section can also be invoked.

In other words, the law does not countenance an abortion after 20 weeks unless it is in the most extreme circumstances, and unless there are three doctors who have formed an opinion in good faith. So this is the point: extreme cases, no other.

The question that Clause 6 stand part was put to the Senate and agreed to.

Clauses 7 to 15 inclusive were called and passed.

On motion of Senator the Hon. N. A. BARROW, the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

On separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time forthwith and passed.

THE ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn.

Before I mention the date, I wish to express my own appreciation at the level of debate for the day.

I beg to move that the Senate do now adjourn until Wednesday, February 23, 1983 at 11 o'clock in the morning.

The question that the Senate do now adjourn was put to the Senate and agreed to, and Mr. President adjourned the sitting accordingly.

8.55 p.m.

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