

ABMK #2007-02

PROPER BURIAL OF PRE-BORN HUMAN REMAINS

Submitted by: Grouard McLennan Diocesan Council

Whereas, There is at present no indication that in Canada the pre-born remains receive a burial that is comparable to the dignified burial of the remains of human beings according to the Criminal Code of Canada, Part V, No. 182 (a) and (b); therefore, be it

Resolved, That the Alberta-Mackenzie Provincial Council of The Catholic Women's League of Canada, in 60th annual provincial convention assembled, urge the federal government, through the national council of The Catholic Women's League of Canada, to enact legislation to ensure the proper burial of pre-born human remains, so that the dead offspring of a human person, regardless of whether the remains were obtained by induced, spontaneous or accidental means, may not be discriminated against or deemed deserving of lesser dignity than other persons, therefore, be it further

Resolved, That this resolution be forwarded to the national council of The Catholic Women's League of Canada for consideration at the 87th annual national convention.

BRIEF

Over 110,000 abortions are performed every year in Canada and the analysis of the data indicates that 90% occur in the first trimester, and between 2% and 3% after 16 weeks.

During the first trimester of a normal human pregnancy, all of the available research indicates that there are clear visible signs of human arms and legs formed and lengthened with ten defined fingers attached to the small hands and ten defined small toes attached in each small foot.

That since the Supreme Court of Canada has ruled that abortion is a criminal law matter under federal jurisdiction and any concerns related to abortion are directly connected to the condition of the country's criminal law.

Abortions in Canada are funded by Medicare in hospitals and clinics throughout the country. (1) While there are provisions for funds to assist with the cost of abortion, as yet no allocation of funds have been directed to assist with the burial of the aborted human remains. The exception is where human remains are donated for scientific research. When the research is completed, the remains are given a dignified burial.

When Amber Binks of Bezanson asked the doctor about her miscarried baby, she was told that suction was used and the "fetus" was sent directly to the incinerator. She was given no choices or any chance to bury the remains. Her baby was just gone. (2) The *Criminal Code of Canada* gives this definition of a human being: "A child becomes a human being within the meaning of this Act when it has completely proceeded, in a

living state, from the body of its mother, whether or not (a) it has breathed; (b) it has an independent circulation; or (c) the navel string is severed.”

In our Catholic Christian tradition we believe life begins at conception which has also been medically proven. Research is available which shows the clear visible signs of human development throughout the term of the pregnancy.

As Catholics, we believe all pre-born humans deserve dignified treatment that could include baptism and burial. Grouard McLennan Archbishop Pettipas on the TV program, *Our Lady of Perpetual Help*, tells us his understanding of Catholic tradition relating to Baptism and Christian Burial: “Baptism and Christian Burial celebrate the same paschal mystery, the dying and rising of Jesus Christ and how we personally share in that mystery.” We believe in this mystery, and not being afforded the opportunity to celebrate it after a spontaneous or emergency or any type of abortion, is a violation of our Christian beliefs.

Criminal Code of Canada, Part V, No.182 states:

Every one who:

- (a) neglects, without lawful excuse, to perform any duty that is imposed on him by law or that he undertakes with reference to the burial of a dead human body or human remains, or
- (b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not, is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years.

There are examples of good legislation to properly dispose of aborted or miscarried fetuses.(4) Yet, the *Criminal Code* falls short of wording similar to those US Statutes that would make the law concerning unborn babies most clear. These Statutes are exactly the ones we want here in Canada.

FOOTNOTES

- (1) Article, “Abortion in Canada Today: The Situation Province-By-Province”. What is the Status of Abortion Today? April 2007. www.canadian-health-network.ca.
- (2) Amber Binks, her report regarding her miscarried baby.
- (3) Summaries of Bills or Statutes: *State of Minnesota*, Statute 145.1621, “Disposition of Aborted or Miscarried Fetuses”, Public Health Provisions, 1987 c 238 s 1, Subd 4. copyright 2006 (www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STATE_CHAP&YEAR=2006§ion=145). *Missouri House of Representatives*, 92nd General Assembly, 2nd Regular Session, last updated September 23, 2004 – HB 914, “Disposition of Human Fetal Remains” (www.house.mo.gov/bills041/bilsum/intro/sHB914I). The *General Laws of Massachusetts*, “Chapter 111.Section 202. Fetal deaths; reports; confidentiality; disposition of remains; violations; forms”, (www.mass.gov/legis/laws/mgl/111-202.html).

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(www.revisor.leg.state.mn.us/bin/getpub.php?pubtype= STATE_CHAP&YEAR=2006§ion=145).

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(www.mass.gov/legis/laws/mgl/111-202.html).

1998. Report on late term terminations of pregnancy. “Medical Practitioners Board of Victoria”, Section 8.4 – *The disposal of fetal remains and the handling of an infant stillborn*, p. 41.

1985. *Criminal Code of Canada*: Part V: Sexual Offences, Public Morals and Disorderly Conduct, Nuisances; “Dead body”, No. 182, a, b.

1985. *Criminal Code of Canada*: Part VIII: Offences Against the Person and Reputation, Homicide; “When child becomes human being”, No. 223, (1) a, b, c.

ACTION PLANS

1. Ask the Government of Alberta to pass a law giving the option to parents to have a proper burial of a pre-born baby in this province.
2. Inform the Local Medical Community of your wish to have the option to bury your pre-born baby and/ or have a baptism.
3. Ask the Province of Alberta via the Minister of Health to inform the medical community to give a choice to a mother and father to have a funeral for their pre-born baby if they wish.
4. Lobby the federal government to pass a law requiring the proper burial of a pre-born baby.
5. That councils approach their individual hospitals requesting that they have policies in place to enable parents to arrange for the proper burial of pre-born human remains.