Declaration of Support for Parliamentary Study of Canada's Legal Definition of "Human Being"

We the undersigned express our support for Motion No. 312 and the establishment of a special committee of the House of Commons to review the declaration in subsection 223 (1) of the *Criminal Code* of Canada which states that a child becomes a human being only "when it has completely proceeded, in a living state, from the body of its mother." We affirm the proposed composition of the special committee to answer the questions put forth in the Motion (as moved in the House of Commons on April 26, 2012, by Stephen Woodworth, MP – Kitchener Centre).

We, each from our respective theological, philosophical and professional traditions, understand human life to begin at some point in time prior to that defined in subsection 223 (1) of the *Criminal Code* of Canada. A significant number of theologians, philosophers, jurists, doctors and scientists consider human life to begin at fertilization. The predominant position among mothers is recognition that the child developing within their bodies is human. Fetology recognizes the pre-born child as a patient along with the mother. The courts are regularly called upon to assess the best interests of the child, including assessment of the interests of the state in the pre-born child. These positions conflict with that of some ethicists who have proposed that the recognition of "human being" occurs too early and should be put off until up to three years after the child has fully emerged from its mother's body. A parliamentary committee would bring the nation's best interests to bear on the contrast between these attitudes toward children.

The current definition was first enacted in Canada in 1892, founded in concepts argued before the courts and the Parliament of England more than three centuries prior, and does not reflect the medical and scientific knowledge acquired over the last century. Given the high value human life is given in our society, as reflected in our social policies and *Criminal Code*, it is essential that the Parliament of Canada provide clarity in the law on this point which impacts parental choice, biomedical research, medical practice and matters being brought before the courts of the nation.

Accordingly, ***we appeal to the members of Parliament of Canada to vote in favour of Motion No. 312.***

September 17, 2012:

Apostolic Church of Pentecost of Canada, Inc., Wesley Mills, President

Associated Gospel Churches of Canada, Bill Fietje, President

The Association for Reformed Political Action (ARPA) Canada

Bound4LIFE Canada

Janet Epp Buckingham, LL.B., LL.D

Shauna Burkholder, MD FRCPC, Pediatric Critical Care

The Canadian Centre for Bio-Ethical Reform, Jonathon Van Maren, Communications Director

Canadian National Baptist Convention

Canadian Physicians for Life

Catholic Organization for Life and Family (COLF)

Sherry Chan, MD, CCFP

Christian Heritage Party of Canada

Christian Legal Fellowship, Ruth A.M. Ross, Executive Director and General Counsel

Christian Reformed Church in North America

Congregational Christian Churches in Canada, David Schrader, National Pastor

Ross Dunbar, MD, CCFP

Eastern Association of the North American Baptist Conference, Gerry Willard

The Evangelical Fellowship of Canada, Bruce J. Clemenger, President

Evangelical Free Church of Canada, Bill Taylor, Executive Director

Evangelical Mennonite Conference, Tim Dyck, General Secretary

Evangelical Mennonite Mission Conference of Canada, Jacob Friesen, Executive Director

Evangelical Missionary Church of Canada, Phil Delsaut, President

The Free Methodist Church in Canada, Keith Elford, Bishop

Fellowship of Evangelical Baptist Churches in Canada, Steve Jones, President

Foursquare Gospel Church of Canada, Steve Falkiner, President

Grace Communion International Canada, Gary Moore, National Director

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Rudy William Hamm, MD

Ludmila Hilbert, MD

Neil Hilliard, MD

Independent Assemblies of God International (Canada), Paul McPhail, General Secretary

Institute of Marriage and Family Canada, Dave Quist, Executive Director

Knights of Columbus, Wil Wilmot, President of the Canadian Association

Dr. Nicole Krapp B.Sc., ND

LifeCanada, Natalie Hudson Sonnen, Executive Director

Douglas Maskall, MD, Child Psychiatrist

Mennonite Church Canada, Willard Metzger, Executive Director

The MY Canada Association, Faytene Grasseschi, Founder-Director

National Campus Life Network

Pentecostal Assemblies of Newfoundland and Labrador, Calvin T. Andrews, General Superintendent

Albertos Polizogopoulos, B.A., LL.B.

John D. Potts, B. Sc., MD, D T M & H

Priests for Life, Father Thomas A. Lynch, National Director

ProWomanProLife.org, Andrea Mrozek

REAL Women of Canada, C. Gwendolyn Landolt, National Vice-President

Regional Synod of Canada, Inc. (Reformed Church in America), John Kapteyn, Executive Secretary

Luke Savage, MD, CCFP, BKin (Hons)

Ben Sawer, MD

Dr Tyrone H Soodeen- MBChB, FRCPC

Sterling Sparshu, MD

Claudia T. Strehlke MD, FRCP (C)

Vineyard Resource Canada, Gordie Lagore, Resource Director

Vision Ministries Canada, Gord Martin

Lucas Vivas, MD

WeNeedaLaw.ca, Mike Schouten, Campaign Director

When Am I Human, Sarah Johnson

A. Zaleski, MD, FRCP

Déclaration d'appui à l'examen par le Parlement de la définition de « l'être humain » en droit canadien

Nous, les signataires, voulons appuyer la Motion n° 312 et la création d'un comité spécial de la Chambre des communes afin d'examiner la déclaration du paragraphe 223(1) du *Code criminel* du Canada, qui affirme que l'enfant ne devient un être humain que « lorsqu'il est complètement sorti, vivant, du sein de sa mère ». Nous sommes d'accord avec la composition proposée pour le comité spécial chargé de répondre à la question formulée dans la Motion (présentée à la Chambre des communes le 26 avril 2012 par le député de Kitchener Centre, M. Stephen Woodworth).

À la lumière de nos traditions théologiques, philosophiques et professionnelles respectives, nous pensons tous que la vie humaine commence avant le moment défini au paragraphe 223 (1) du *Code criminel* du Canada. Un nombre important de théologiens, de philosophes, de juristes, de médecins et de scientifiques estiment que la vie humaine commence au moment de la fécondation. Chez les mères, la position qui prévaut, c'est que l'enfant qui se développe en leur sein est humain. La médecine fœtale reconnaît dans l'enfant à naître un patient au même titre que la mère. Les tribunaux sont appelés régulièrement à évaluer les meilleurs intérêts de l'enfant, comme aussi à évaluer les intérêts de l'État concernant l'enfant à naître. Ces positions sont contraires à celles de certains éthiciens qui soutiennent que la reconnaissance de « l'être humain » survient trop tôt et qu'il faudrait la reporter jusqu'à trois ans après que l'enfant soit sorti complètement du sein de sa mère. Un comité parlementaire pourrait faire valoir les meilleurs intérêts du pays pour trancher entre ces attitudes à l'égard des enfants.

La définition actuelle est entrée en vigueur en 1892; elle se fondait sur des notions invoquées devant les tribunaux et le Parlement de l'Angleterre plus de trois siècles auparavant et ne reflète pas les découvertes médicales et scientifiques des cent dernières années. Vu la haute valeur que notre société accorde à la vie humaine, comme en font foi nos politiques sociales et le Code criminel, il est essentiel que le Parlement du Canada clarifie la législation sur ce point qui a une incidence sur le choix des parents, sur la recherche biomédicale, sur la pratique de la médecine et sur des questions soumises aux tribunaux de notre pays.

C'est pourquoi ***nous demandons aux membres du Parlement canadien de voter pour la Motion numéro 312.***

17 Septembre 2012:

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