

THE PETITION CAMPAIGN IS A HUGE SUCCESS

In the past few days, EPC sent over thirty-three thousand petition names to the Hon Rob Nicholson (Attorney General of Canada) supporting the strongest possible opposition to the legalization of euthanasia and assisted suicide in Canada.

Since we know that the next hearing for the Leblanc case in Trois-Rivières Quebec will be June 15, 2012; those who have not done the petition campaign can still do so.

The online petition is still available and the paper petition can be downloaded from our website or if you contact us at: 1-877-439-3348, we will send you copies of the paper petition.

EPC ENTERS THE LEBLANC CASE IN QUEBEC

On January 27, 2012, EPC legal counsel, Hugh Scher, was in Trois-Rivières Quebec requesting co-intervener standing for EPC and *Vivre dans la Dignité* in the Leblanc case. The *Leblanc* case seeks to have Canada's assisted suicide law (Section 241b of the Criminal Code) declared unconstitutional and to decriminalize euthanasia.

At the preliminary hearing for the *Leblanc* case, Rene Duval, the lawyer



Hugh Scher, founder of Scher Law, practices employment and human rights law. He served for six years as Chair of the Human Rights Committee of the Council of Canadians with Disabilities

for Ginette Leblanc and the Attorney General did not object to EPC and *Vivre dans la Dignité* being granted intervener standing, the only question is: will we be given the right to call witnesses and enter evidence.

Even though Duval states that his challenge to the assisted suicide act is limited, the Leblanc Notice of claim states in Section 11:

“Due to her physical limits, the plaintiff will not without the help of a health-care professional and / or that of a person acting under the supervision of such business, obtain and / or administer medication and / or the necessary treatment (s) to end her life.”

Note: the words “to administer” requires another person to do the act, which is euthanasia.

Battling these issues within the court is very expensive, and it is difficult to predict what a Judge will decide. We will keep you up-to-date on the progress of these cases.

We need your financial support to protect you from euthanasia and assisted suicide in Canada.

CARTER + LEBLANC THE PERFECT STORM

Within its Notice of Claim, *Carter* included language that might become the framework for a law to allow the direct and intentional killing of people by euthanasia.

The Carter case does not restrict acts of euthanasia or assisted suicide to physicians. The Statement of Claim says: a person acting “under the general supervision of a medical practitioner.” Family or other caregivers can act under the general supervision of a medical practitioner. The Carter case would allow a family member to cause the death.

The Carter case does not restrict euthanasia or assisted suicide to people who are terminally ill. Carter defines eligibility based on people who are “grievously and irremediably ill.” Carter does not define grievously or irremediably ill, but provides examples: “cancer, chronic renal failure, cardiac failure, and degenerative neurological diseases such as Huntington’s and multiple sclerosis.” The definition includes people who are not terminally ill but

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TIMELINE: HOW WE GOT TO THE LEBLANC CASE

- **April 21 2010** Bill C-384, a bill that would have legalized euthanasia and assisted suicide in Canada, was soundly defeated in parliament by a vote of 228 to 59. The euthanasia lobby reacted to their massive defeat in parliament by turning their attention to the courts.
- **February 2011** the Farewell Foundation, a group in British Columbia (BC) that exists to aid the suicide of their members, launched a case in the BC Court to strike down Canada's assisted suicide act. The Farewell Foundation case challenged a ruling by the Registrar of Companies who denied the Farewell Foundation corporate status. Organizations that solely exist to break the law cannot be given corporate status.
- **Early April 2011** the Farewell Foundation launched a second case in the BC Court to strike down Canada's assisted suicide act. The Farewell Foundation stated that the law was unconstitutional and infringed upon their "right to die" by assisted suicide. BC Supreme Court Justice, Lynn Smith, was assigned to the Farewell Foundation case.
- **Late April 2011** the BC Civil Liberties Association (BCCLA) launched the Carter case. The Carter case seeks to overturn the laws protecting Canadians from euthanasia and assisted suicide. The BCCLA, representing the Carter family, argued that Kay Carter's rights were infringed upon because she had to go to Switzerland to die by assisted suicide. The BCCLA also stated that the Carter family needed the law to be clarified because they technically broke the law, by arranging and bringing their mother, Kay, to die in Switzerland. The BCCLA, in Carter, did not limit their challenge to the assisted suicide law (Section 241 of the Criminal code). The definitions used in the case include a challenge to the laws that protect Canadians from euthanasia.
- **May 2011** the Ontario Court of Appeal heard the Rasouli case which asked the question: "Do doctors have the unilateral right to withdraw life-sustaining treatment?" The (three judge panel) of the Ontario Court of Appeal unanimously agreed that doctors must obtain consent before withdrawing life-sustaining treatment. This was a significant victory. The Rasouli decision included many of EPC's arguments.
- **June 2011** Justice Smith asked to have the Farewell Foundation case and the Carter case heard together. At a pre-trial hearing Smith indicated that the Carter case would be heard but it lacked urgency, since Kay Carter had already died and her family were not prosecuted for their part in her death.
- **June 28 2011** the BCCLA amended their notice of claim by adding Gloria Taylor, a woman who is living with ALS.
- **August 3 2011** Justice Smith accepted the amended notice of claim. Due to the health condition of Gloria Taylor, Smith decided to fast-track the case. At the same time Smith questioned the relevancy of the Farewell Foundation case and a few weeks later she rejected the Farewell Foundation case.
- **October 2011** EPC and EPC – BC received intervener standing in the Carter case. Justice Smith denied us the right to call evidence, and to cross-examine the opposing witnesses.
- **October 31 2011** the Leblanc case was filed by lawyer René Duval in Trois-Rivières Quebec.
- **January 27 2012** Hugh Scher requests co-intervenor status in the Leblanc case.

NEWS FROM AROUND THE GLOBE

SOUTH AUSTRALIA FACING TWO BILLS TO LEGALIZE EUTHANASIA

In 2011, Stephanie Key and Bob Such introduced two separate euthanasia legalization bills. While Ms. Key presented it as a “palliative care bill,” the South Australian medical association correctly identified the Key bill as a closet euthanasia bill that would have allowed wide-open euthanasia, and provided no new rights for palliative care professionals. Key and Such intend to introduce new “cleaned up” bills to legalize euthanasia.

At the same time, there are indications that a bill to legalize euthanasia will be introduced in Tasmania this year. HOPE, a group opposing legalization of euthanasia and assisted suicide in Australia, has begun a letter-writing campaign in South Australia. Alex Schadenberg will be speaking in Australia and New Zealand in June 2012.

SCOTLAND HOSTS FIRST EUROPEAN SYMPOSIUM ON EUTHANASIA AND ASSISTED SUICIDE JUNE 1 – 2, 2012

Soon after the successful Third International Symposium in Vancouver, plans began for the **First European Symposium on Euthanasia and Assisted Suicide**. The Care Not Killing Alliance, and the Euthanasia Prevention Coalition have established a phenomenal outline of speakers that is sure to attract participants from across Europe.

The Symposium will be held at the Roxburghe Hotel Edinburgh, near all the historic and artistic sites. It is our hope that new leaders and groups will emerge from this historic event.

MACDONALD ATTEMPTS TO LEGALIZE ASSISTED SUICIDE IN SCOTLAND – AGAIN

Another year, another attempt to legalize assisted suicide or euthanasia. After receiving a stunning 85 – 16 defeat in the Scottish Parliament on December 1 2010, Margo MacDonald intends to introduce a new Assisted Suicide (Scotland) bill. Until April 30, 2012, she is circulating a “consultation document,” an outline of the bill’s principles.

MacDonald claimed that her previous 2010 bill did not allow euthanasia. EPC determined that she used imprecise language to cover up her intention to legalize wide-open access to euthanasia and assisted suicide. Although it is difficult to assess until we see the actual legislation, we expect that she will continue her intentions, and will represent her “consultation” as the “will” of the Scottish people. The Care Not Killing Alliance in Scotland is developing a strategy to defeat Margo MacDonald’s fresh attempt to legalize assisted suicide in Scotland.

COUNCIL OF EUROPE: EUTHANASIA MUST ALWAYS BE PROHIBITED

On January 25, in an attempt to eliminate confusion concerning Living Wills, the Parliamentary Assembly of the Council of Europe (PACE) adopted a non-binding resolution titled: *Protecting human rights and dignity by taking into account previously expressed wishes of patients*. Although the resolution did not directly confront the issue of euthanasia, Article 5 of the resolution stated: *“Euthanasia, in the sense of the intentional killing by act or omission of a dependent human being for his or her alleged benefit, must*

always be prohibited.”

On January 30, the *Daily Telegraph* (UK) featured an article titled: “Assisted suicide should be illegal throughout Europe, human rights body rules”. Here are excerpts from that article:

“The resolution had originally simply focused on the human rights questions of so-called living wills... But members [of PACE] argued that living wills... were inextricably connected to euthanasia. They successfully moved an amendment forbidding euthanasia by 34 votes to 16 with six abstentions.”

“...fighting for the amendment was Edward Leigh... He referred to the



Kerry Woollorton *Doctors refused to intervene in her suicide by poisoning, citing her suicide note as a Living Will.*

case of Kerrie Woollorton [saying]: ‘imagine how they would feel if they received a phone call informing them that one of their children had drunk poison and that ambulance and hospital staff who had everything necessary to save the child’s life stood by not helping instead as the child lay dying? That is a situation that advanced directives or living wills allow.’ He added: ‘This is not alarmist talk – this is the historic fact, the track record.’”

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living with chronic conditions or disabilities.

“As a person who is ‘grievously and irremediably ill’ with Grade IV brain cancer, I would be affected should this case succeed. Two and a half years after being given a 20 per cent chance of surviving five years, I am doing very well on medication approved by Health Canada only a year ago, within a week of my cancer coming back. Now I’m doing very well, thanks to medical advancements that are coming faster than at any time in our history. Our anti-assisted suicide laws protected me and gave me a chance for a long and happy life, just as they were intended to do.”

The Carter case has been argued and we are waiting for a decision from Justice Smith. Based her reputation as an activist judge, we are concerned that Smith may legislate from the bench.

If Smith decides to legislate from the bench and legalize euthanasia and/or assisted suicide, the Attorney General of Canada must appeal the decision to the BC Court of Appeal. From their, the case will go to the Supreme Court of Canada.

Duval, the lawyer representing Leblanc, hopes to have their case join the Carter case at the Supreme Court of Canada. If that occurs, all of the fatal faults of both cases will be combined. That is the perfect storm.

Back Talk

Write To The Attorney General

This month, you can make a difference by writing a hand-written letter to your Member of Parliament and the Hon Rob Nicholson, Attorney General.

Urge the Attorney General to immediately appeal any court decision that weakens our laws that protect us from euthanasia and assisted suicide.

Information about the letter writing campaign is found on the back of the EPC letter that you have received with this newsletter.

Coming Up

Professor Margaret Somerville in London

The Euthanasia Prevention Coalition has co-sponsored an event featuring Dr. Margaret Somerville.

When: Wednesday, March 7, 2012 at 7:30 pm.

Where: Brescia University College - 1285 Western Rd. London, ON (Western University) the Mother St. James Memorial Building Auditorium.

Topic: The Case Against Euthanasia and Assisted Suicide.

Cost: This is a free event - Everyone is welcome.

Dr. Margaret Somerville holds professorships in both the Faculty of Law - where she holds the Samuel Gale Chair - and the Faculty of Medicine (McGill University - Montreal). She was the founding director of the McGill Centre for Medicine, Ethics and Law.

Professor Somerville is a world-renowned speaker, consultant and researcher on many topics including euthanasia and assisted suicide. She has written about the role that scientific and medical research and technology play in the formation of societal values.

Somerville consulted for international organizations such as the Global Programme on Aids of the World Health Organization, UNAIDS, the United Nations Human Rights Commission in Geneva, and law reform commissions in Canada and Australia.

She was the key-note speaker at the First International Symposium on Euthanasia and Assisted Suicide.



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