



Euthanasia Prevention Coalition

NEWSLETTER

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BC Judge Agrees to Fast-track Euthanasia Case

Last year, Canada's parliament rejected Bill C-384 by a vote of 228 to 59. After losing the political debate to legalize euthanasia and assisted suicide (E/AS), the right-to-die lobby is bringing their demand for legalized killing to the courts. The BC Civil Liberties Association (BCCLA), representing Gloria Taylor and the family of Kay Carter, launched the Carter/Taylor case in April. They claim that Canada's criminal code provisions against euthanasia and assisted suicide are unconstitutional.

Kay Carter died by assisted suicide at the Dignitas suicide center in Switzerland on February 2011 attended by her family, Lee Carter and Hollis Johnson. They claim that her right to assisted suicide was violated by Canada's laws. Lee

and Hollis also state that they broke the law by aiding, planning and possibly encouraging their mother. In effect, they are daring Canada to either prosecute them or abandon the law.

On June 28 the BCCLA added Gloria Taylor (63) to the claim. Taylor, who lives with ALS, says that the laws that prevent her from dying by E/AS are unconstitutional. The BCCLA convinced Justice Lynn Smith to fast-track their challenge, due to the urgency of Taylor's condition. Taylor demanded that if the court could not make a timely decision, it should provide a special exemption for Taylor and her doctor so that she could be killed E/AS in a manner approved by the court. If the court does move slowly on this decision,

the BCCLA has further demanded that the court pay all of Taylor's legal and medical costs due to any delay.

Changing Our Definition of Euthanasia

The BCCLA is demanding that the court recognize a new set of definitions in Canadian law. They define "Consensual Physician-Assisted Death" as the administration of medication or other treatment that intentionally brings about a patient's death by the act of a medical practitioner. This definition would clearly legalize euthanasia by consent. The BCCLA confuses euthanasia with assisted suicide, stating that "physician assisted suicide" and "consensual physician-assisted

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Rasouli Decision Appealed To Supreme Court

In the Rasouli case, two physicians claimed that withdrawal of life-support treatment was not itself a treatment. Doctors, they argued, could withdraw life support from a patient without seeking permission from either the patient or his caregivers. June 29 the Ontario Court of Appeals unanimously decided against the doctors. The three-judge panel upheld Justice Himel's previous decision requiring doctors to obtain consent before withdrawing life-sustaining treatment, including such things as a ventilator, fluids and food, and antibiotics. The judges stated "we are of the view that the application judge (Himel) reached the correct result in this case. In short, we

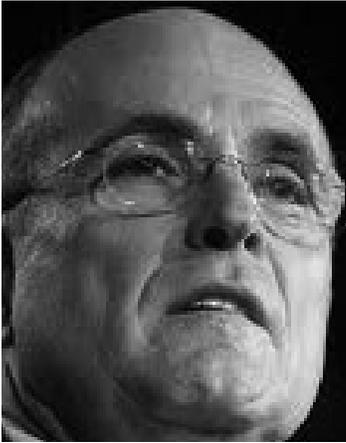
are satisfied that the plan of care proposed by the appellants does amount to "treatment" as defined in the Act."

The Euthanasia Prevention Coalition (EPC) intervention in the Rasouli case was successful. Most of the legal arguments that were part of our intervention were used in the appeals court decision.

The doctors, supported by their insurance company, have appealed the unanimous Rasouli decision to the Supreme Court of Canada. EPC will act to discourage the Supreme Court from hearing the doctors' appeal. In our defense of the Rasouli decision,

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Massachusetts Next State For 2012 Assisted Suicide Referendum



Rep Louis Kafka

In US presidential elections, individual states can add initiatives to the ballots. On the 2008 ballot, Washington State's I-1000 Initiative made assisted suicide legal in that state. Two western states, Oregon and Washington, have legal assisted suicide. The suicide lobby has been running polls and focus groups to determine which eastern state is most likely to legalize assisted suicide.

The suicide lobby has begun a signature drive to get assisted suicide on the ballot for the 2012 election in Massachusetts. Rep Louis Kafka has been unsuccessful at legalizing assisted suicide in the past few legislative sessions. Kafka supports this initiative but claims that he is not involved with organizing the signature drive.



Margaret Dore

Margaret Dore, an attorney from Seattle, has analyzed the wording of the initiative and suggests that it has similar flaws to the Oregon and Washington assisted suicide laws. It is a recipe for elder abuse. Among other things it does not require a witness at the time of death. EPC expects that at least one other state will launch an initiative for the 2012 election.

Italian Lower House Votes to Outlaw Euthanasia By Dehydration

Eluana Englaro died by dehydration in 2009 in a similar manner to Terri Schiavo. Last month, a bill designed to prevent euthanasia by dehydration was passed in the Italian lower house by a vote of 278 to 205. The bill established a principle of a therapeutic alliance between physician and patient. Patients can refuse medical treatment, but fluids and food would be viewed as a form of care that would continue until the person was actually nearing death. The final vote in the upper house is expected in October.

Bulgarian Parliamentary Committee Overwhelmingly Rejects Euthanasia

Lyuben Kornezov, a member of parliament from the Bulgarian Socialist Party, proposed a bill that would have legalized euthanasia. The bill was debated in the Health Committee and soundly rejected 12 to 0 with one abstention. Kornezov argued that his bill would only allow euthanasia in extreme cases. United against the bill, Health Committee members from all parties declared that euthanasia goes against the principles of beneficence in medicine.

Canadian government will not re-open euthanasia debate

Justice Minister, Hon Rob Nicholson responded to a media question concerning the BCCLA (Carter/Taylor) case that the Canadian government will not be re-opening the debate on euthanasia and assisted suicide.

Nicholson told reporters that Parliament decided the issue last year when it defeated Bill C-384, that would have legalized euthanasia and assisted suicide, by a vote of 228 to 59.

The euthanasia lobby failed to convince Members of Parliament to support Bill C-384 last year and decided to move their case to the courts.



Hon Rob Nicholuson

Half Of Dutch GP's Pressured To Euthanize Patients

A recent study of 800 GP's in the Netherlands has revealed that family members will often pressure doctors to euthanize a patient. An article published for the television program EénVandaag reports that:

- 20% were willing to euthanize a patient who was "tired of life"
- almost 75% said they were unwilling to euthanize someone worried about future unbearable suffering
- almost 70% of the doctors had actually euthanized a patient over the past five years.
- One third of doctors have refused to carry out a euthanasia request over the past five years.
- half of the GPs said they had felt pressured by patients or their relatives to die by euthanasia.



In the Netherlands, euthanasia deaths increased by 13% in 2009. In about 550 reported euthanasia deaths per year, there was no record of explicit request or consent. Furthermore, nearly 20% of all euthanasia deaths are not reported.

New Initiatives on the Web

In the past few weeks, one new group and two new websites have been launched. Each site will bolster our presence on the web.

Choice Is An Illusion

www.choiceillusion.org

Choice is an Illusion provides arguments and talking points against legalizing assisted suicide. It provides up-to-date information about what is happening in the United States. *Choice is an Illusion* also features important articles about Oregon and Washington states and it effectively explains why assisted suicide is not legal in Montana.

Led by Margaret Dore, Seattle Attorney, Alex Schadenberg and Dr. William Reichel, *Choice is an Illusion* is a non-profit corporation that will help to direct people to an effective response to the push, by the suicide lobby to legalize assisted suicide.

Montanans Against Assisted Suicide

www.montanansagainstaassistedsuicide.org/

This newly updated site explains the current legal

status for assisted suicide in Montana and it focuses on the work of the Montanans Against Assisted Suicide, who have been building a grass-roots campaign in Montana.

Alex Schadenberg's Blog

www.alexschadenberg.blogspot.com

This blog is regularly updated with information and commentary. Alex's comprehensive network of international sources is simply the best in the world on euthanasia and assisted suicide.

Please put these websites and in your favorites section of your web browser.

More is Coming

The Euthanasia Prevention Coalition is setting up an online site to inform Canadians of the issues related to the Carter/Taylor case and we will offer Canadians an opportunity to express their opposition to euthanasia and assisted suicide.

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we will argue that the doctors are expanding their case to address questions that were not part of the original case, and are outside the jurisdiction of this case.

EPC is concerned that if the Rasouli decision is overturned by the Supreme Court, vulnerable Canadians could have ventilators, antibiotics or even fluids and food, withdrawn without their consent, or without the consent of their primary caregivers. This would be true even if those caregivers, like the Rasouli family, have power of attorney over the patient.

The cost to intervene in the Rasouli case is currently around \$30,000 of which EPC has only received around \$18,000 in donations. The cost to discourage the Supreme Court of Canada from hearing the case is relatively small, but if the Court hears the case, our costs will be substantial.

Please continue supporting EPC by donating toward the cost of the Rasouli intervention.

BackStory

Hassan Rasouli underwent surgery on October 7, 2010 at Sunnybrook Health Sciences Centre for a benign brain tumour. He experienced a bacterial meningitis infection that caused significant cognitive damage.

On October 16, Mr Rasouli was placed on a ventilator, and a tube to provide him hydration and nutrition. His condition remains stable. The Rasouli family state that he responds to them.

His doctors determined that Mr. Rasouli was in PVS and decided to withdraw the ventilator. Mr. Rasouli's wife, Parichehr Salasel, a physician, refused consent to withdraw the ventilator.

The Rasouli family applied to the Superior Court of Justice to obtain an injunction to prevent the doctors at Sunnybrook from

unilaterally withdrawing the ventilator. Justice Himel decided that the Rasouli family did not need



an injunction because the doctors are required to obtain consent before withdrawing medical treatment, which in this case was the ventilator. The doctors appealed the decision of Justice Himel and thus the case went to the Court of Appeal for Ontario.

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death" (euthanasia) will both be defined as "physician-assisted death." The media continues to refer to "physician-assisted death" as assisted suicide, thus eliminating any public discussion about euthanasia.

EPC has applied to intervene in the Carter/Taylor case, and the

court will decide this October. We will present clear evidence that a change in the law will expose vulnerable people to grave risk. One study found that 32% of the euthanasia deaths in Belgium were done without request or consent (CMAJ May 2010). Another study found that only 52.8% of the eutha-

nasia deaths in Belgium were reported (BMJ Oct 2010). In Oregon, where assisted suicide is legal, the overall suicide rate has climbed by 30% since 2000. Oregon medical authorities denied treatment to Barbara Wagner and Randy Stroup, and instead steered them to accept assisted suicide.

Slogans vs Definitions

In the rhetoric of the euthanasia lobby, the words *safeguard*, *choice* and *autonomy* are useful slogans. But a glance into the dictionary of the euthanasia lobby reveals the following definitions...

Safeguard: a barrier to be overcome.

Choice: the decision made by the stronger person.

Autonomy: the decision you are pressed to make when you are truly alone.