



Dr. Will Johnston

BC COURT OF APPEAL UPHOLDS PROTECTIONS IN LAW FROM EUTHANASIA AND ASSISTED SUICIDE

On Thursday, October 10, the British Columbia (BC) Court of Appeal upheld Canada's laws prohibiting euthanasia and assisted suicide, in a 2-to-1 decision by overturning the disturbing lower court decision in 2012 by Justice Smith in the Carter case.

The Euthanasia Prevention Coalition (EPC), who intervened in the Carter case, applauded the BC Court of Appeal decision by stating:

"EPC is pleased that the Court has followed the lead of Canadian Parliament, the Supreme Court of Canada, and of the majority of Parliaments and Supreme Courts around the world in finding that the prohibitions against assisted suicide represent an important protection against abuse of vulnerable people."

The Carter case was launched by the family of Kay Carter, a woman who died by assisted suicide in 2010 in Switzerland. The Carter family claimed that Kay was denied the "right" to die with dignity in Canada and her family was forced to break the law by assisting her travel to Switzerland for suicide. The BC Civil Liberties Association represented the Carter family.

On June 15, 2012, Justice Smith wrongly decided that Canada's assisted suicide law was unconstitutional. Smith found that people with disabilities who are unable to kill themselves by suicide without assistance were discriminated by the law.

Smith also decided that "safeguards" can effectively protect

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QUEBEC LIBERAL LEADER STATES BILL 52 NEEDS AMENDMENTS



Philippe Couillard

The Toronto Star reported on October 29 that Philippe Couillard, the leader of the Quebec Liberal party and a former neurosurgeon, stated that Bill 52, the euthanasia bill in Quebec, does not have sufficiently strict guidelines.

The Toronto Star reported Couillard as saying:

"... the Parti Québécois government's euthanasia bill as it stands now doesn't set sufficiently strict conditions that must be met before terminally-ill patients can ask to be euthanized by a doctor."

Couillard continued:

"The importance of the legislative process is to make things more precise and comprehensible and to know what we're talking about, how we're talking about it and what types of acts we're talking about."

He said that in his experience there are very few cases in the dying days of a terminally ill patient where pain and suffering cannot be alleviated by doctors and drugs.

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EPC APPLAUDS RASOULI DECISION BY THE SUPREME COURT OF CANADA

by Alex Schadenberg

The Rasouli family and EPC won a precedent setting decision at the Supreme Court of Canada (SCC) in the case:

Cuthbertson V Rasouli on October 18.

The SCC upheld the unanimous decision of the Ontario Court of Appeal requiring that doctors obtain consent from either patients or substitute decision-makers before withdrawing life-sustaining treatment where such a decision may result in death.

EPC intervened in the Rasouli case to support the need for oversight of doctors in life and death decisions.

The SCC maintained that doctors must raise any objections or concerns they may have about consent to treatment before the Consent and Capacity Board who have the jurisdiction to address any challenges to that consent made by a doctor.

Hugh Scher, the lawyer who represented EPC, stated:

“We are pleased that the SCC has recognized the need for oversight of doctors relative to treatment decisions at the end of life. The SCC decision ensures that patient values, beliefs and best interests are given prominence, in conjunction with the clinical considerations of doctors.”

Alex Schadenberg, Executive Director of the EPC, stated:

“There is a real concern about the impact of accuracy of diagnosis and the critical role of patient autonomy in the making of treatment decisions. EPC is pleased that the SCC maintained that doctors are not the arbiters of life and death.”

The Rasouli case concerned Hassan Rasouli who underwent surgery on October 7, 2010 at Sunnybrook Health Sciences Centre for a benign brain tumour. After the surgery he experienced a bacterial meningitis infection that caused him significant cognitive damage. On October 16, 2010, Mr Rasouli was placed on a ventilator.

His doctors, Cuthbertson and Rubinfeld, determined that Mr Rasouli was PVS and decided to withdraw the ventilator; but his wife, Parichehr Salasel, who is also a physician, refused to give consent to the withdrawal of the ventilator. The Rasouli family insisted that he was responding and not PVS. The family was later proven to be correct and his medical condition was upgraded.

The Rasouli family applied to the SCC to obtain an injunction to prevent the doctors at Sunnybrook from unilaterally withdrawing the ventilator.

The case was heard in February and March (2011) and the decision by Justice Himel was released on March 9, 2011. 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 to the Court of Appeal for Ontario. EPC intervened in the Rasouli case at the Court of Appeal.

The Court of Appeal for Ontario unanimously decided that doctors did not have the unilateral right to withdraw life-sustaining treatment; they upheld the role of the Consent and Capacity Board and stated that doctors continue to have the right to seek consent from the Consent and Capacity Board when consent is refused by either the person or the attorney for personal care.

The Supreme Court of Canada upheld the unanimous decision of the Court of Appeal for Ontario.



Rasouli Family



EPC Europe Launching November 13

EPC Europe will officially begin with a debate and a press conference on November 13 at the Goethe Institute in Brussels, Belgium.

Alex Schadenberg, EPC International Chair will debate Dr Jan Bernheim, a Belgian expert on euthanasia. EPC Europe is then hosting meetings with European leaders.

Dr Kevin Fitzpatrick, is a leader of Not Dead Yet UK and is the Executive Director of EPC Europe.

EPC Seeking Regional Affiliates

The Euthanasia Prevention Coalition is seeking to establish regional affiliate groups throughout Canada. Currently EPC has 2800 members living in every province and territory. EPC – BC and Vivre dans la Dignité in Quebec act as affiliate groups.

EPC would provide speakers and promote meetings and EPC would co-sponsor conferences and events.

Please contact EPC at:

1-877-439-3348
 email: info@epcc.ca

The Bentley “Spoon Feeding” Case

EPC and EPC – BC filed our application to intervene in the Bentley case in BC.

We are arguing that “spoon feeding” does not constitute medical treatment but rather basic care. We have introduced world-wide policy documents that prove that there is a consensus that feeding someone by spoon is not medical treatment. If the court decides that spoon feeding does constitute medical treatment, it will mean that families and medical professionals will be able to withdraw hydration and nutrition from someone who is able to eat and drink normally. It will result in many people dying by dehydration.

OREGON CANCER DOCTOR TELLS THE STORY AND WARNS QUEBECERS

The Coalition of Physicians for Social Justice in Quebec presented a doctor and his patient from Oregon where assisted suicide is legal.

Dr Kenneth Stevens is a practicing cancer doctor with more than 40 years’ experience. He is also a Professor Emeritus and a former Chair of the Department of Radiation Oncology, Oregon Health & Sciences University, Portland, Oregon. He has treated thousands of patients with cancer.

Jeanette Hall, Dr Stevens’ patient, is thrilled to be alive 13 years after he talked her out of “doing” Oregon’s law, i.e., killing herself with a lethal dose of barbiturates. In 2000, Jeanette was diagnosed with cancer by

another doctor and told that she had six months to a year to live. This was without treatment. The other doctor had referred her to Dr Stevens for radiation and chemotherapy. Jeanette, however, had voted for Oregon’s law. She had made a firm decision to go forward with Oregon’s law instead.

Dr Stevens did not believe in assisted suicide. He also believed that Jeanette’s prospects for treatment were good. He convinced her to be treated instead of doing Oregon’s law.

Dr Stevens talked about how the mere existence of legal assisted suicide steered Jeanette Hall to suicide. He also talked about how financial

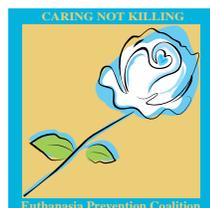
incentives in Oregon’s government health plan also steer patients to suicide. Dr Stevens warned that if assisted suicide or euthanasia is legalized in Quebec, then the Quebec government health program could follow a similar pattern—that is, to pay for people to die, but not to live.

Dr Paul Saba, a family physician and co-president of the Coalition of Physicians for Social Justice, explained how Québec’s proposed euthanasia law would encourage people, including young adults with treatable conditions, to agree to euthanasia and throw away their lives. The Coalition’s position against euthanasia is supported by the World Medical Association representing nine million physicians.

ORDER PINS!

1 inch EPC “Caring Not Killing” Pins with our logo are now available for \$3.00 each or 2 pins for \$5.00. Bulk orders available on request.

1-877-439-3348
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WRITE A LETTER!

Write to the Honorable Peter MacKay Justice Minister to ask him to equally protect all Canadians by upholding the Criminal Code prohibitions from assisted suicide and euthanasia.

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vulnerable people. Smith gave parliament one year to pass a law allowing assisted suicide and a limited form of euthanasia in Canada.

Fortunately, the federal government appealed the decision of Justice Smith to the BC Court of Appeal.

The BC Court of Appeal found that Smith did not have the right to strike down Canada's assisted suicide law and that she made several errors and incorrect assumptions in her decision.

The BC Court of Appeal stated that Smith was wrong when she found that the circumstances had sufficiently changed since 1993, giving her the right to strike down the 1993 Rodriguez decision.

In 1993, the Supreme Court of Canada upheld Canada's assisted suicide law in the Rodriguez case. Sue Rodriguez, who was living with ALS, petitioned the courts to grant her the right to die by assisted suicide.



The BC Court of Appeal also found that Smith was wrong when she assumed that the Rodriguez decision did not consider certain constitutional analysis. The BC Court of Appeal concluded that only the Supreme Court of Canada has the right to overturn its decisions.

The BC Court of Appeal decision challenged Smith's assertion that Canada's assisted suicide law discriminates against people with disabilities. The majority stated that:

“those who have only a limited ability to enjoy life are not less alive and have no less a right to life, than able-bodied and fully competent persons.”

EPC was pleased that the BC Court of Appeal recognized that Canada's laws prohibiting assisted suicide meet the legislative objective that is grounded in respect for and the desire to protect human life and the current assisted suicide law is rationally connected to its purpose.

The BC Court of Appeal also acknowledged that parliament had recently considered a bill (Bill C-384) that would have legalized euthanasia and assisted suicide in Canada. On April 21, 2010, parliament overwhelmingly defeated Bill C-384 by a vote of 228 to 59.

The BC Civil Liberties Association (BCCLA) has appealed the BC Court of Appeal decision to the Supreme Court of Canada. The BCCLA has asked that the Supreme Court of Canada expedite the appeal. EPC opposes the request to expedite the appeal and has asked the Supreme Court to consider new evidence since the original trial.

EPC will seek to intervene, if the Supreme Court of Canada decides to hear the Carter case.

Laws that prohibit euthanasia and or assisted suicide provide equal protection in law for all people and uphold the safety of all people, in every life condition, from having their life taken.

... Bill 52 from page 1

“I understand that there can be situations that are truly exceptional. But I would like them to be more precise about what those situations are.”

The Quebec government voted 84 to 26 at second reading to send Bill 52 to committee. It appears that Couillard will be pushing the separatist government in Quebec to amend Bill 52.

Legal scholars are also saying that Bill 52 is unconstitutional. Euthanasia is prohibited in Canada's federal Criminal Code as a form of homicide. Bill 52 redefines euthanasia as medical treatment by calling it “medical aid in dying.”

Couillard's comments reflect the results of a recent poll of 500 Quebec citizens conducted by Abingdon Research from October 23 - 28 for Life Canada.

The poll found that only 35% of those polled supported Bill 52, as written, while 14% opposed it and 47% thought that the issue required further study.

The poll also highlighted problems with the bill's use of the vague term, “medical aid in dying.” Before being given the definition, only 30% answered correctly that “medical aid in dying” as proposed by Bill 52, involves “a doctor giving a patient a lethal injection.”

The Quebec euthanasia bill is a very dangerous bill. It is rife with false claims, euphemisms and ambiguous language and it is bad medicine for Québecers with disabilities.