



Catholic Health Alliance of Canada
Alliance catholique canadienne de la santé

**Physician-Assisted Suicide and Euthanasia Briefing
September 2015**

Issue

Unless an extension is granted to the deadline imposed on Parliament by the Supreme Court in *Carter vs Canada*, legal access to physician-assisted death in Canada will be in place by February 6, 2016, whether or not new federal legislation is passed. The laws that determine the processes for accessing physician-assisted death and the rights of conscientious objectors, therefore, may become an election issue, and/or determined by a patchwork of regulations developed by the provinces and professional regulatory bodies.

The Catholic Health Alliance of Canada is opposed to physician-assisted death in any form and under any title (physician assisted suicide, voluntary euthanasia). If the government intends to introduce legislation and or regulation, the Alliance has only a small window of time to influence, through dialogue and education, the public debate, consultation and discussion of laws and regulations in an attempt to limit the harm.

Background

The Alliance as an intervener set out its position on physician-assisted death to the Supreme Court of Canada and will continue to advocate for this position. Nevertheless, on February 6, 2015 the Supreme Court of Canada struck down Criminal Code provisions prohibiting physician-assisted death. In their legal decision they stated that it infringed on the right to life, liberty and security of the person under Section 7 of the *Canadian Charter of Rights and Freedoms* (*Carter v. Canada*).

Parliament was given a year to draft a new law. If that does not happen, and an extension is not applied for and granted then:

- The decision allows physician-assisted death for competent adults who clearly consent to the termination of life and who have a “*grievous and irremediable medical condition that causes intolerable and enduring suffering*”.
- The decision provides for physicians to assist but does not obligate them to hasten the death of a patient who is dying.

The House of Commons adjourned June 19, 2015 and an election has been called for October 19, 2015. Retiring Justice Minister Peter Mackay told CBC in

an interview that it is unlikely any government elected in the fall will be able to meet the Supreme Court of Canada deadline. It is possible, then, that the Supreme Court of Canada decision will come into effect without a new federal law.

The Catholic Health Alliance of Canada position

Catholic teaching holds that the deliberate taking of a human life goes against the dignity of the human person. It violates the foundational principle of right reason and that all human life is sacred. Neither providing nor participating in assisted suicide or euthanasia aligns with the principles and values of Catholic healthcare and are not to occur in Catholic healthcare institutions.

The Catholic Health Alliance of Canada is among Canada's strongest advocates for exemplary end-of-life care.

We believe that supporting individuals who are in the dying process, their family members and healthcare workers is our privilege and moral obligation. And we believe that professional palliative care makes this possible, not by prolonging life at all costs, but by respecting the rights of patients, and families to:

- Make informed decisions about their end of life care.
- Decline or cease life-sustaining interventions they deem overwhelming or too burdensome.
- Receive effective pain management to relieve the pain and other physical symptoms of illness.
- Have access to high-quality palliative care and hospice care that encompasses support for the physical, spiritual, emotional and psychological dimensions of the end-of-life experience.

Key messages

The Sponsor organizations that comprise the Alliance, and their affiliated facilities, will:

- **Witness** to the sanctity of all human life at every stage and in every circumstance.
- **Advocate** for greater access to high-quality palliative and hospice care for all Canadians.
- **Refuse** to provide and participate in physician-assisted death.
- **Uphold** the rights of patients, and of families acting on a patient's informed decision about their end of life care, including the right to decline or cease life-sustaining interventions under certain circumstances and to receive effective relief for pain and suffering.
- **Ensure** support for health-care workers, physicians, and institutions, while respecting the rights of conscience for health care workers, and religious freedom.

Required action

The Catholic Health Alliance of Canada is clearly opposed to physician-assisted death, assisted suicide, and euthanasia. However, through dialogue, education, and advocacy it seeks to influence public consultation to limit the harm it would introduce to society. It will work to:

1. Advocate for the prohibition of physician-assisted suicide, and that any proposed federal and provincial legislation and/or regulation;
 - a. Restrict the use and availability of physician-assisted death.
 - b. Limit its harm to society, patients, and families; as well as health care providers and organizations.
 2. Advocate for and work towards increased capacity and quality of palliative care and end of life care.
 3. Ensure the rights of conscientiously objecting health-care providers and organizations to refuse to cooperate in providing physician-assisted deaths or in the direct referral that would allow this act to occur.
 4. Encourage, through prayer, education and witness that citizens of Canada not seek assisted suicide or euthanasia.
- To date, the Alliance has created a working group to research and identify issues surrounding refusal, referrals, transfers, conscientious objection, religious freedom and respecting the rights of conscience for health care workers. This group will work with our Bishops on these matters.
 - The Alliance will encourage cooperation amongst Catholic organizations to leverage their strengths in the provision of palliative and end of life care to contribute to the further development of high quality and accessible end of life care across Canada. A conference is being planned to help facilitate that process.
 - The Alliance will monitor development of legislation and regulation at all levels, communicate our position through multiple channels, and provide advice and recommendations to affiliated organizations and partners on actions they may take.

Target audiences

Federal government

The federal government is key to enacting laws that oppose and/or restrict access to physician-assisted death and protect the rights of Catholic health providers. The Alliance has sent a letter stating its position to Prime Minister Harper and is monitoring the federal government's actions and intentions on consultation. NDP leader Thomas Mulcair and Liberal leader Justin Trudeau are both on the record as supporting the Supreme Court decision.

Provincial governments

As health is an area of jurisdiction for both federal and provincial governments, there is the potential for provincial as well as federal legislation.

Professional regulatory bodies

We believe there will be broad support for the right of both individual and organizational health care providers to refuse to provide physician-assisted death or to be obligated to participate in it. The issue of referral by individuals and health care organizations also threatens the conscience rights of physicians and health care providers. These matters, in large part, may be dealt with through professional regulatory bodies.

Resources

- [*A Catholic Perspective on Health Decisions and Care at the End of Life*](#): This document developed by the Alliance reflects on the meaning of a “good death,” and dispels many myths about the Catholic position on end-of-life care.
- [*The Alliance’s Statement on the Supreme Court of Canada’s Judgement on Carter vs Canada*](#).
- *Health Ethics Guide* - Third edition 2012, Catholic Health Alliance of Canada

More Information

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