

More Time Required to Properly Analyze and Develop

Assisted Suicide Regulations and Guidelines

Submission to the External Panel on Options for a Legislative Response to

Carter v. Canada

by REAL Women of Canada

October 8, 2015

Appropriate legislative responses to the Carter case are difficult to develop because of the extremely limited time available due to the federal election. The issue, however, is a matter of life and death, and should not be rushed to fit within the limited time frame.

A solution to this problem is for the federal government to suspend the Supreme Court Decision on assisted suicide for a five-year period by way of the application of the Notwithstanding Clause (S.33 of the Charter of Rights). This provision permits the federal government (and provincial governments when it falls within provincial jurisdiction) to suspend the operation of a court decision for a five-year period. This delay will ensure proper consultation and deliberation of this critical issue, which cannot occur at this time despite everyone's best intentions.

This delay is especially necessary because regulations or guidelines that have been put in place in other jurisdictions to protect vulnerable individuals and their health care treatment in regard to assisted suicide, have not been successful. For example, in August, 2015, under the Swiss assisted suicide legislation, an active 75-year old woman from the U.K., who suffered no form of illness or any health issues at all, was given a lethal injection simply because she was afraid of getting old. In the Netherlands the assisted suicide legislation which initially was only to protect the terminally ill, has degenerated so that a parent now has the right to have an ill or a disabled child put to death by injection. In Belgium, euthanasia now occurs to facilitate organ harvesting. The patient is counselled on the nobility of his or her generous donation to others, and then, if they agree to be euthanized, the transplant surgeons are present, waiting in an adjoining room, so the body can be quickly transferred for organ removal. Lives are also being terminated, without valid consent, in many cases in the Netherlands and Belgium.

It is critical that these egregious examples not take place in Canada.

There is no use pretending that these horrors will not occur in Canada, regardless of how stringent our regulations may be. The only reasonable recourse, therefore, is to insist that the Notwithstanding Clause be applied so that this decision should be delayed until the regulations and guidelines can be properly analyzed and developed.

In addition, an alarming study just published in the Southern Medical Journal on October 10th 2015, indicates that physician assisted suicide is associated with an increased rate of non-assisted suicide. It is significant that the available evidence does not support the conjecture that legalizing assisted suicide leads to a reduction in non-assisted suicide.

Canada was directed by the Supreme Court to accept as a fundamental premise that killing is an acceptable answer to human suffering of the aged and those who have mental or physical illness. Such a momentous decision, contravening our social, cultural and legal history cannot be easily executed without deep consideration.