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Canada judge: Ban on assisted suicide is unconstitutional

Isabella R. Moyer | Jun. 19, 2012 NCR Today

Since the inception of the Canadian Charter of Rights and Freedoms [1] in 1982, Canadians have been challenged to rethink previously assumed laws and societal limits within the broader context of individual rights and freedoms. The most recent issue is that of doctor-assisted suicide.

On Friday, British Columbia Supreme Court Justice Lynn Smith ruled [2] that Canada's ban on doctor-assisted suicide infringes on the rights of the disabled.

Since suicide is not illegal, goes the reasoning, banning assisted suicide discriminates against the disabled and is therefore unconstitutional. Smith has suspended the ruling for a year in order to give lawmakers time to change the legislation.

Gloria Taylor, a terminally ill British Columbia woman who suffers from Lou Gehrig's disease, or amyotrophic lateral sclerosis, was one of five plaintiffs who asked the court to strike down the law that bans assisted suicide in November. Smith has suspended the present law in Taylor's case, allowing her the right to end her life with a doctor's assistance. Taylor would like to see a change in terminology from "assisted suicide" to "assisted dying." She has no immediate plans to end her life, saying, "I take it one day at a time. I'm here for living now. When it is time, it is God's will alone. I will leave it at that."

Federal Justice Minister Rob Nicholson's office issued the following cautious statement:

> "We are currently reviewing the court's 395-page decision. This is an emotional and divisive issue for many Canadians. Parliament voted as recently as April 2010 not to change these laws. The court has ordered a suspension of the operation of its declaration for a one-year period. The deadline for the government of Canada to file a notice of appeal in the British Columbia Court of Appeal is July 16, 2012."

The Canadian Conference of Catholic Bishops issued a brief statement [3] Monday.

> "Being stewards of life also requires each of us and all society to respond to the physical, emotional and moral sufferings of people of all ages, particularly those seriously ill or handicapped. In this regard, as the Bishops of Canada stated in 2005, we stand before a fundamental option, the response to which reveals the true nature of our society's heart. Do we show concern for the sick, the elderly, the handicapped and vulnerable by encouraging them to commit suicide or through deliberating killing them by euthanasia? Or, instead, do we fashion a culture of life and love in which each person, at every moment and in all circumstances of their natural lifespan, is treasured as a gift?"

A more detailed statement will be issued after the bishops have had time to study the court's ruling.

There is a good chance that the majority Conservative government and the Canadian bishops will be of one mind on this issue. An online CBC reader's poll [4] presently shows overwhelming support against assisted

suicide.

Individual rights and freedoms must never trump the greater common good. The greater good in this case is to support, care for and protect life to the moment of natural death. Smith's ruling upholds the rights of a patient over the timing of their death. The obvious danger comes when physicians and families take this decision upon themselves. Our health care system is already challenged with a growing aging and infirm population. A patient's right to doctor-assisted suicide can too easily morph into pressuring a patient to end his or her life.

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