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# Canada to appeal court ruling on euthanasia, assisted suicide

Deborah Gyapong Catholic News Service | Jul. 16, 2012

**OTTAWA, Ontario** -- The federal government has announced it will appeal the June 15 British Columbia Supreme Court decision that struck down Canada's laws against euthanasia and assisted suicide.

"After careful consideration of the legal merits," the government of Canada will appeal the so-called Carter decision to the British Columbia Court of Appeal and seek "a stay of all aspects of the lower-court decision," said Justice Minister and Attorney General Rob Nicholson on July 13.

"The government is of the view that the Criminal Code provisions that prohibit medical professionals, or anyone else, from counseling or providing assistance in a suicide are constitutionally valid," said Nicholson. "The government also objects to the lower court's decision to grant a 'constitutional exemption' resembling a regulatory framework for assisted suicide."

In the Carter decision, British Columbia Supreme Court Justice Lynn Smith said the laws against assisted suicide and euthanasia violated the equality rights of those who could not commit suicide without help, since suicide is legal. She also argued the Criminal Code provisions violated disabled peoples' rights of life, liberty and security under the Canadian Charter.

Smith gave Parliament one year before her decision would take effect, but granted one of the plaintiffs, Gloria Taylor, who has Amyotrophic lateral sclerosis, or Lou Gehrig's disease, the option of having an assisted suicide within that time-frame.

The family of Kay Carter, who died in a Swiss suicide clinic, filed the original lawsuit.

The attorney general said, "The laws surrounding euthanasia and assisted suicide exist to protect all Canadians, including those who are most vulnerable, such as people who are sick or elderly or people with disabilities."

He acknowledged the issues are "emotional and divisive" for many Canadians.

Nicholson said the government would not be commenting further, but would present the full arguments to the B.C. Court of Appeal.

After the British Columbia court ruling, Archbishop Richard Smith of Edmonton, Alberta, president of the Canadian Conference of Catholic Bishops, said that "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."

"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?" Archbishop Smith asked in a June 18 statement. "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?"

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