

## The Supreme Court and Physician Assisted Suicide, An Explanation

One of the primary roles of a Deacon is to bring the concerns of the world to the church. Based on my background, I thought it important to try and explain this important decision in more simple terms.

The decision is known as Carter v. Canada (Attorney General) and can be found by anyone by going to the website of the Supreme Court and typing in **2015 SCC 5**. It is 39 pages long. At page 37 the Supreme Court wrote the following declaration but said it would not come into force for 12 months from the date of the decision which was Feb. 6, 2015. The declaration is:

*“Section 241 (b) and s. 14 of the Criminal Code unjustifiably infringe s. 7 of the Charter and are of no force or effect to the extent that they prohibit physician-assisted death for a competent adult person who (1) clearly consents to the termination of life and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.”*

Let me break this down.

1. It does not take effect until Feb. 7, 2016.
2. It only deals with the case of where a doctor assists someone in killing themselves.
3. Assisted suicide is still otherwise a crime.
4. It only applies to a **competent adult**. This means a person must be over 18 and can clearly consent. Someone who is mentally ill, suffers from dementia or advanced Alzheimers could not consent. No one can consent on behalf of that person.
5. The person must understand death will result if they consent.
6. The condition must be grievous and irremediable. Note that Court did **not** say the person must be dying. They simply must have a terrible condition that cannot be relieved or cured.
7. It can be an illness, disease or disability.
8. It must cause suffering.
9. It must be intolerable in the circumstances of his or her condition.

The Court also held that no doctor should be forced to assist in a suicide.

The case was brought by Ms. Lee Carter who suffers from ALS. Justice Smith of the British Columbia Supreme Court made a ruling similar to the conclusion reached by the Supreme Court. The B.C. Court of Appeal said no to the trial decision and there was an appeal to the Supreme Court. The Supreme Court was unanimous in their decision.

Quebec has already passed a law allowing physician assisted suicide with similar safeguards the Supreme Court later reached. Quebec, however, would only extend this right to residents of the province and only when the person was dying.

Essentially the Supreme Court found that the law preventing physician assisted suicide takes away a person's right to life, liberty and security of the person as per

Section 7 of the Charter. The Court noted that presently a competent person can refuse treatment that would prolong life. The Court went into a very thorough review of the original decision of the trial judge, and even admitted new evidence.

This is a complex and serious issue. I have written this article to help you try and understand what the Supreme Court decided and why.

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