

## **DEATH WITH DIGNITY: Disability and Rights Groups File Arguments in Death with Dignity Supreme Court Case Arguing Ban on Assisted Dying is Unconstitutional**

### **Supporters of case speak out for compassion and choice at the end of life**

TORONTO, ON (August 25, 2014) – Interveners who support the right to assisted dying for the seriously and incurably ill rallied today to mark the filing of their arguments in the BC Civil Liberties Association's (BCCLA) landmark death with dignity case.

The interveners represent a broad cross-section of organizations, from civil liberties watchdogs to disability rights organizations. Maureen Taylor, the widow of Dr. Donald Low, also joined them today to make a public statement in support of the case. Ms. Taylor's husband died last September of a malignant brain tumour shortly after he made an impassioned, videotaped plea for a physician assisted death.

Ms. Taylor said, "Don faced his diagnosis with great courage, but he spent his precious final months desperately trying to find a way to avoid a prolonged, undignified death. That's appalling. I think Don would be encouraged by the widespread support we've seen for the legalization of assisted dying in the last 11 months. Now we need the Supreme Court to acknowledge that this is a right of all Canadians who want a choice in how they die."

The BCCLA's lawsuit argues that the laws that criminalize doctors for helping competent, seriously ill individuals who wish to hasten death are unconstitutional. The Supreme Court of Canada will hear oral arguments in the case on October 15, 2014. The interveners will file their arguments by August 29, 2014.

Grace Pastine, Litigation Director for the BCCLA, said, "It's time for Canada to adopt a new approach to dying that respects compassionate choice. It has been twenty years since Canada's highest court heard and rejected Sue Rodriguez's end of life plea. Since that time, there has been a tidal shift in social thinking on these issues. Many countries now allow for assisted dying. These programs have been rigorously documented and studied. The fears have no basis in fact."

Margo Massie, a member of one of the intervener organizations, the Alliance of People with Disabilities Who Are Supportive of Legal Assisted Dying, said, "I am honoured to be part of the appeal to the Supreme Court of Canada on the right to die case. I was President of the BC Coalition of People with Disabilities (BCCPD) when Sue Rodriguez advocated for the right to have doctor-assisted dying. We supported her publicly all the way to the Supreme Court of Canada. Obviously, as long time advocates, we hold a strong stand on safeguards but not for paternalist voices speaking for people with physical disabilities."

Dr. Brett Belchetz of Dying with Dignity Canada, an emergency room physician who serves on the organization's Physicians Advisory Council, said, "The ban on medically assisted dying creates a chilling climate of silence. I've seen a reluctance among physicians, out of fear of criminal prosecution, to fully engage our patients in discussions around end of life options. This wears on us, because we can't properly support our patients, and it is even more harmful to our patients, as they're not getting all of the information they need to make the end of life decisions that are right for them."

Sukanya Pillay, Executive Director & General Counsel of the Canadian Civil Liberties Association, said, "CCLA argues that the constitutional rights to life and liberty include personal autonomy and control of

one's bodily integrity. An *absolute* prohibition against physician-assisted suicide violates these rights; overrides the thoughtful and informed choice of terminally ill, suffering human beings; and robs them of the opportunity to preserve dignity and control over the final days of their life."

"This case has broad implications for how we, as a society, allow people to live their lives and make important choices related to their personal health," said Ryan Peck, Executive Director of the HIV & AIDS Legal Clinic Ontario (HALCO), an intervening organization. "No matter the health issue, the law must respect and protect autonomy in medical decision-making. For people living with HIV or other disabilities, who have longstanding interactions with the health care system, this is particularly critical. Those who support them in exercising their autonomy must not be threatened with prison."

"Furthermore, it would be unconscionable if particular religious groups' beliefs were allowed to determine the criminal law of the land, particularly in ways that deny other people's autonomy, strip them of dignity and condemn them to pain and suffering they may well choose to avoid," noted Richard Elliott, Executive Director of the Canadian HIV/AIDS Legal Network, co-intervener with HALCO.

Russel Ogden, Founding Director of the Farewell Foundation for the Right to Die said, "Farewell Foundation has been an intervener in *Carter v. Canada* since this case began in 2011. We believe Canadians should have the right to choose the manner, timing, and location of their deaths. In alliance with Association Québécoise pour le droit de mourir dans la dignité (AQDMD), Farewell Foundation is pleased to support BCCLA in asserting this profoundly important human right to self-determination."

Vyda Ng, Executive Director of the Canadian Unitarian Council, said, "Compassion, dignity, respect. This is what we would hope for at the end of our lives. Canadian Unitarians believe that having clear, humane laws to assist those who are terminally ill gives Canadians the final gift of being able to die with dignity. To do otherwise contravenes respect for the inherent worth and dignity of each human being."

The BCCLA filed the case in April 2011. The BCCLA is represented by lawyers Joseph Arvay, Q.C. and Alison Latimer of Farris, Vaughan, Wills and Murphy LLP and Sheila Tucker of Davis LLP.

Read more about the case at <http://bccla.org/our-work/death-with-dignity-case>

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