



Protection of Conscience Project

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News Release

Conscientious refusal to kill deserves the protection of law.

Bill C-14 doesn't provide it.

For Immediate Release

20 April, 2016

In light of the assisted suicide/euthanasia bill introduced by the government of Canada (Bill C-14),¹ it is necessary to emphatically reaffirm that conscientious refusal to kill people is a manifestation of essential humanity that deserves the protection of law.

Notwithstanding the assurances of Canada's Minister of Health,² Bill C-14 does not provide that protection. The government is deliberately ignoring the ongoing coercion of health care providers to compel participation in euthanasia, and Bill C-14 will allow coercion to continue.

The bill follows upon a report from a parliamentary Special Joint Committee formed to advise the government on a legislative response to the Supreme Court ruling in *Carter v. Canada*.³ Bill C-14 does not incorporate the Committee's more radical recommendations. It does not, for example, make euthanasia and assisted suicide available as therapies for mental illness.⁴

However, it does indicate that the government intends to pursue this and other Committee recommendations.⁵ Two of them assert the authority of the state to command the use of deadly force: not merely to authorize it, but to command it.

The Special Joint Committee recommended that physicians unwilling to kill patients or help them commit suicide should be forced to find someone willing to do so. It also recommended that publicly funded facilities, like hospices and hospitals, should be forced to kill patients or help them commit suicide, even if groups operating the facilities object.⁶

The federal government cannot do this because the regulation of health professions and health care institutions is within provincial jurisdiction. Hence, the Committee urged the federal government to "work with the provinces" to implement this coercive regime.⁶ Translation: get willing hands in the provinces to do the dirty work of coercion - and take the heat for it.

Now, the federal government can prevent such coercion because it has exclusive jurisdiction in criminal law. It can enact a law to prevent powerful groups, professions, or state institutions from forcing people to be parties to homicide and suicide. It can prevent those in power from punishing health care providers who refuse to arrange for their patients to be killed or helped

commit suicide.

The federal government can do this, but Bill C-14 does not do it. Instead, it makes possible the coercive regime recommended by the Special Joint Committee.

And this is deliberate, because the Prime Minister and Minister of Health know full well that coercion and intimidation to force participation in euthanasia and assisted suicide are already occurring in Canada, notably in Quebec^{7, 8, 9, 10} and Ontario.¹¹ Their bill “works with” willing hands in Ontario and Quebec by allowing coercion and intimidation to continue - and to spread.

It is true that the bill’s preamble states that the government will “respect the personal convictions of health care providers.”

But - aside from the fact that preambles have no legal effect¹² - what is that worth?

After all, the Special Joint Committee claimed that respect for freedom of conscience is exemplified by their recommendation that, “at a *minimum*,” objecting physicians should be forced to find colleagues willing to kill their patients.⁶ Behind this Orwellian perversion lies the Committee’s more astonishing premise: that the state can legitimately order people to become parties to homicide and suicide, and punish them if they refuse.

That is outrageous, indefensible and dangerous. It is not a mere “limitation” of fundamental freedoms, but an egregious attack on them. It is a grave violation of human dignity that deserves only the utter contempt of a free people.

The Prime Minister and a great many people in positions of power and influence need to be reminded of this as we approach the deadline for the proclamation of Bill C-14: the anniversary of the Allied landings at Normandy.

Whatever else it might decide about euthanasia and assisted suicide, parliament should make it the law of the land that no one and no institution in Canada can be forced to be a party to homicide or suicide, and no one will be punished or disadvantaged for refusing to do so.

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Notes

1. Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying) (<http://www.parl.gc.ca/HousePublications/Publication.aspx?Mode=1&DocId=8183660&Language=E>) Accessed 2016-04-20 (Hereinafter “Bill C-14”).
2. "Under this bill, no health care provider will be required to provide medical assistance in dying," Health Minister Jane Philpott told reporters Thursday. Laucius, J. “Groups worry new assisted-dying legislation doesn't protect physicians' consciences.” *Ottawa Citizen*, 14 April,

2016

(<http://ottawacitizen.com/news/national/groups-worry-new-assisted-dying-legislation-doesnt-protect-physicians-consciences>) Accessed 2016-04-14

3. *Carter v. Canada* (Attorney General), 2015 SCC 5

(<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14637/index.do>) Accessed 2015-06-27.

4. *Medical Assistance in Dying: A Patient-Centred Approach. Report of the Special Joint Committee on Physician Assisted Dying* (February, 2016) (Hereinafter “SJC Report”) p. 13-14; Recommendations 3,4, p. 45.

(<https://assets.documentcloud.org/documents/2721231/Report-of-the-Special-Joint-Committee-on.pdf>) Accessed 2016-03-09.

5. *Bill C-14*, Preamble, final paragraph.

6. *SJC Report*, Recommendations 10-11, p. 36.

7. Supreme Court of Canada, 385591, *Lee Carter, et al. v. Attorney General of Canada, et al.* (British Columbia) (Civil) (By Leave): Robert W. Staley (Counsel for the Catholic Civil Rights League, Faith and Freedom Alliance, and Protection of Conscience Project) Oral Submission, [455:48/491:20]

(http://consciencelaws.org/law/commentary/legal073-009.aspx#Robert_W._Staley)

8. Canadian Press, “Gaétan Barrette insists dying patients must get help to ease suffering.” CBC News, 2 September, 2016

(<http://www.cbc.ca/news/canada/montreal/ga%C3%A9tan-barrette-insists-dying-patients-must-get-help-to-ease-suffering-1.3213615>). Accessed 2016-04-20.

9. Robert Y. “L’objection de conscience.” Collège des médecins du Québec, 10 November, 2015. (<http://www.cmq.org/nouvelle/en/objection-de-conscience.aspx>) Accessed 2016-04-20.

10. The Canadian Press, “Justin Trudeau, Philippe Couillard hail era of co-operation after meeting in Quebec City: Prime Minister praises Quebec's approach on controversial topic of medically-assisted deaths.” *CBC News*, 11 December, 2015

(<http://www.cbc.ca/news/canada/montreal/trudeau-meets-couillard-1.3361709>) Accessed 2016-04-15.

11. College of Physicians and Surgeons of Ontario, *Interim Guidance on Physician Assisted Death* (January, 2016)

(<http://www.cpso.on.ca/cpso/media/documents/policies/policy-items/interim-guidance-pad.pdf>) Accessed 2016-04-15

12. University of Alberta, Centre for Constitutional Studies, *The Constitution: Preamble*

(<http://ualawccsprod.srv.ualberta.ca/ccs/index.php/pr/535-preamble>) Accessed 2016-04-15