



Protection of Conscience Project

www.consciencelaws.org

ADVISORY BOARD

Dr. Shahid Athar, MD
*Clinical Associate Professor
of Medicine & Endocrinology,
Indiana School of Medicine,
Indianapolis, Indiana, USA*

J. Budziszewski, PhD
*Professor, Departments of
Government & Philosophy,
University of Texas,
(Austin) USA*

Abdulaziz Sachedina, PhD
*Dept. of Religious Studies,
University of Virginia,
Charlottesville, Virginia, USA*

Roger Trigg, MA, DPhil
*Academic Director,
Centre for the Study
of Religion in Public Life,
Kellogg College,
University of Oxford,
United Kingdom*

Lynn D. Wardle, JD
*Professor of Law,
J. Reuben Clark Law School,
Brigham Young University,
Salt Lake City, Utah, USA*

PROJECT TEAM

Human Rights Specialist
Rocco Mimmo, LLB, LLM
*Ambrose Centre for Religious
Liberty,
Sydney, Australia*

Administrator
Sean Murphy

Canadian physicians warned to get ready for euthanasia and assisted suicide

Sean Murphy, Administrator
Protection of Conscience Project

Three physicians and a lawyer have written an article published in the May issue of the Canadian Medical Association Journal.¹ The lead author, Dr. James Downar, is co-chair of a euthanasia/assisted suicide advocacy group.

Anticipating a change in the law, the authors warn that "well-rehearsed debates" about sanctity of life and personal autonomy "may become obsolete."

"We need to start to answer some challenging questions in preparation for the possibility that physician-assisted death will be available in Canada soon," they write.

Among the questions they pose, one raises two particularly sensitive issues:

Will physicians who are conscientious objectors be obliged to present physician-assisted death as an option to patients and facilitate transfers of patients to other physicians or facilities?

As a matter of law and ethics, physicians are expected to advise patients of all reasonable legal options for treatment so that patients can provide informed consent to it. However, many physicians who are strongly opposed to euthanasia and assisted suicide may view the "presentation of an option" for either procedure as inherently abusive of vulnerable patients. This problem does not usually arise with respect to other morally contested procedures, like abortion or contraception.

A requirement to "facilitate transfers" of patients would probably be acceptable if it involved only the kind of cooperation normally involved in the transfer of records when a patient is taken on by a different physician; this is all that is required in Belgium,² Oregon³ and Washington State.⁴

However, a demand that objecting physicians refer patients or actively initiate transfers would be resisted by those who would consider such actions to involve unacceptable complicity in killing. The Supreme Court of the Philippines recognized this issue when it struck down a mandatory referral requirement in the country's Reproductive Health Law as an unconstitutional violation of freedom of conscience.⁵

Revision Date: 2021 Mar 09

Notes

1. Downar J, Bailey TM, Kagan J, Librach SL. Physician-assisted death: time to move beyond Yes or No. CMAJ 2014 May 13;186(8):567-8. doi: 10.1503/cmaj.140204. Epub 2014 Apr 7.
2. The Belgian Act on Euthanasia (2002) Chapter VI: Special Provisions, Section 14 [Internet]. Powell River, BC: Protection of Conscience Project; ; cited 2021 Mar 09. Available from: <https://www.consciencelaws.org/law/laws/belgium.aspx>.
3. 2019 Oregon Revised Statutes | Volume: 03 | Chapter 127| Death with Dignity: Section 127.800 OR Rev Stat § 127.885 s.4.01. Immunities; basis for prohibiting health care provider from participation; notification; permissible sanctions [Internet]. Powell River, BC: Protection of Conscience Project; 2021 Mar 09 ; cited 2021 Mar 09. Available from: <https://www.consciencelaws.org/law/laws/usa-oregon.aspx>.
4. RCW | Title 70 | Chapter 70.245 Washington Death With Dignity Act § 70.245.190 Immunities - Basis for prohibiting health care provider from participation - Notification - Permissible sanctions [Internet]. Powell River, BC: Protection of Conscience Project; 2021 Mar 09 ; cited 2021 Mar 09. Available from: <https://www.consciencelaws.org/law/laws/usa-washington.aspx>.
5. Supreme Court of the Philippines – The Responsible Parenthood and Reproductive Health Act of 2012: Opinions supporting freedom of conscience [Internet]. Powell River, BC: Protection of Conscience Project; 2014 Apr [updated 2019 Sep 16]; cited 2021 Mar 09. Available from: <https://www.consciencelaws.org/law/commentary/legal055-003-001.aspx>.

