

Canada upholds law against assisted suicide (Update)

October 10 2013, by Jeremy Hainsworth

British Columbia's appeals court overturned a lower court ruling Thursday that found Canada's law against physician-assisted suicide to be unconstitutional.

The court ruled in a split decision that a judge erred last year when she found sections of the Criminal Code that prohibit assisted suicide to be an unconstitutional violation of the charter rights of gravely ill Canadians.

The case will now likely go to the Canadian Supreme Court, which last considered the issue of assisted suicide in 1993.

The federal government had appealed the decision from the B.C. Supreme Court, which ruled last year that safeguards could be put in place to protect against the risks associated with doctor-assisted dying.

Justices Mary Newbury and Mary Saunders agreed in the decision released Thursday that while the law banning assisted suicide has certainly evolved in the last two decades, it hasn't changed enough to undermine the 1993 decision from Supreme Court of Canada.

"As the law now stands, there does not appear to be an avenue for relief from a generally sound law that has an extraordinary, even cruel, effect on a small number of individuals," the judges wrote in a joint ruling.

When the Supreme Court of Canada last considered the issue of assisted

suicide, the judges were split in favor of upholding the current law in a case involving Sue Rodriguez.

Rodriguez, who also had Lou Gehrig's disease, also known as ALS, gripped Canadians as she fought in court for the right to assisted suicide. She lost her appeal but took her own life with the help of an anonymous doctor in 1994, at the age of 44.

The judge concluded the law must allow physician-assisted suicide and physician-assisted death—also known as voluntary euthanasia—in cases involving patients who are diagnosed with a serious illness or disability and who are experiencing "intolerable" physical or psychological suffering with no chance of improvement.

The earlier decision said patients in such scenarios must personally request physician-assisted death, must be free from coercion and cannot be clinically depressed.

Rodriguez had argued that the law should be struck down as a violation of the charter, but the court ruled against her.

The federal government has argued the 1993 Supreme Court of Canada ruling should be the final word on the matter, noting Parliament has voted several times, mostly recently in 2010, to maintain the status quo.

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