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Who should decided when you can die?

Dear editor:

When is life a fate worse than death? This is a question being put to the Supreme Court of Canada.

Our current law on medically assisted-death is being challenged as contrary to the Charter of Rights and Freedoms but the Charter is ambiguous on the matter and can be used to argue either side. Section 7 guarantees the right to life whereas Section 15 ensures equal treatment for all and based on the latter section, it is argued disabled people who are unable to end their own lives without assistance are discriminated against. If the Court upholds its 1993 Sue Rodriguez case ruling that our current law is constitutional, Quebec's recent ?Act Respecting End of Life Care? will likely be challenged when it takes effect at the end 2015. If the Court overturns its previous ruling, it will most likely give government a window of time to legislate change or leave us in an ambiguous state with no parameters or rules ? except in Quebec.

The current Supreme Court case was precipitated by Gloria Taylor who suffered from Lou Gehrig's disease (as did Sue Rodriguez) and Kathleen Carter who suffered from a degenerative spinal condition. Before the case came to trial Ms. Taylor died of an infection while Ms. Carter died in an assisted suicide clinic in Switzerland; leaving their families to pursue the case. We also recently witnessed Ontario's Dr. Donald Low appeal for change to our laws so that others would not suffer as did he with cancer towards the end of his life. After Dr. Low's dramatic video appeal, then Ontario Health Minister Deb Matthews stated it was time for Canadians and our leaders to discuss changes and the Liberal Party agrees.

There are concerns that de-criminalizing the existing assisted-death law would result in a rush of people asking to end their lives. Joseph Avery, a lawyer representing Canadians in favour of physician-assisted death argued that there's little evidence a change in the law would result in this. ?Nobody wants to die if living is better? he said.

The fact of the matter is that the proper forum for this debate is our federal parliament, not the Supreme Court.

The Liberal Party of Canada at its national convention last February voted in favour of a resolution titled ?Death with Dignity: Legalizing Medically-Assisted Death?. The resolution requires ?that voluntary medically-assisted death be de-criminalized after a public consultation process designed to make recommendations to Parliament with respect to the criteria for access and the appropriate oversight system for medically-assisted end-of-life?. Secondly, it ?commits to working with the professional medical community and relevant stakeholders in a collaborative effort to establish professional protocols in relation to de-criminalizing medically-assisted death in Canada?.

The arguments that this will lead to a ?slippery slope? of unintended consequences must be addressed with unambiguous and clear legislation. We can learn from examples of several countries like Switzerland, Belgium, Netherlands and some US states where assisted-death has been in place, in some cases for years, and where laws have been refined to prevent abuse. Currently, the only legal means at hand in Canada for people to end their own suffering is to act perhaps prematurely while they are still able or by self-imposed starvation. Clearly this is cruelty imposed on people who are already facing life worse than death. We need to address this as a society, not with a technicality in court.

George denHaan
Director Communications
Dufferin-Caledon Federal Liberal Association