Right To Die

Finally the Supremes
Have it right
Decades after Rodriguez
A unanimous decision
Catching up to Public Opinion
Will the Harper Government
Respond in kind

The Court found
An individual’s response to
"A grievous and irremediable medical condition" is
Critical to their dignity and autonomy
Prohibiting Physician-assisted Suicide
Infringes the Right to Life, Liberty and Security
No evidence that
Elderly and Disabled are vulnerable
Twelve months to craft

Appropriate legislation

Protecting the “Incompetent”
Respecting Physician Conscience

While providing others with

A Basic Human Right

The Right to Life not a Duty to Live

Liberty and Respect

To live Life as desired

To Die with Dignity

When and How one chooses

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no evidence that the elderly or people with disabilities are vulnerable to accessing doctor-assisted dying.

safeguards work where they've been set up in jurisdictions that allow physician-assisted suicide.

The Supreme Court ruling says Canadians who are enduring intolerable physical or mental suffering have the right to seek medical help to end their lives. But what constitutes mental suffering and where would the line be drawn?

A: Padraic Carr, president of the Canadian Psychiatric Association (CPA), said that's one area of the judgment, in particular, that needs further legal clarification.

"Every patient is different and it's unclear who would meet that legal test or what they define as intolerable, enduring suffering."

Carr said their ruling speaks to four points in which physician-assisted death may be considered: where a patient is competent; clearly consents; has what they define as a grievous and irremediable condition; and has enduring intolerable suffering.

"I think it would be very difficult for a patient who has a severe mental illness to meet these four criteria."

People with clinical depression and certain other psychiatric disorders are often suicidal. How would doctors tease out whether a patient's desire to die is a result of their illness and might be alleviated with treatment?

A: Carr said the court ruled that a patient must be "competent" to obtain medically assisted death, a term which psychiatrists call the "capacity to make decisions."

Capacity means a patient must: be able to make a choice; have the ability to understand the relevant information around that choice; must appreciate their situation and the consequence of making the choice; and demonstrate that they can manipulate that information rationally, he said.

rights of competent adults who are suffering intolerably as a result of a grievous and irremediable medical condition and concluded that this infringement is not justified

Prohibition of doctor assisted dying is unconstitutional

unjustifiably infringe s. 7 of the Charter and are of no force or effect to the extent that they prohibit physician-assisted death for a competent adult person who (1) clearly consents to the termination of life and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that
causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.

the declaration of invalidity is suspended for 12 months.

grievous and irremediable medical condition that causes enduring and intolerable suffering

The right to life is engaged where the law or state action imposes death or an increased risk of death on a person, either directly or indirectly. Here, the prohibition deprives some individuals of life, as it has the effect of forcing some individuals to take their own lives prematurely, for fear that they would be incapable of doing so when they reached the point where suffering was intolerable. The rights to liberty and security of the person, which deal with concerns about autonomy and quality of life, are also engaged. An individual’s response to a grievous and irremediable medical condition is a matter critical to their dignity and autonomy. The prohibition denies people in this situation the right to make decisions concerning their bodily integrity and medical care and thus trenches on their liberty. And by leaving them to endure intolerable suffering, it impinges on their security of the person.

The prohibition on physician-assisted dying infringes the right to life, liberty and security of the person in a manner that is not in accordance with the principles of fundamental justice. Evidence from scientists, medical practitioners and others who are familiar with end-of-life decision-making in Canada and abroad, that a permissive regime with properly designed and administered safeguards was capable of protecting vulnerable people from abuse and error.

Nothing in this declaration would compel physicians to provide assistance in dying. The Charter rights of patients and physicians will need to be reconciled in any legislative and regulatory response to this judgment.

right to life protects personal autonomy and fundamental notions of self-determination and dignity, and therefore includes the right to determine whether to take one’s own life.

Concerns about autonomy and quality of life have traditionally been treated as liberty and security rights.

individual’s choice about the end of her life is entitled to respect.

protection of individual autonomy and dignity. Liberty protects “the right to make fundamental personal choices free from state interference”:

seriously and irremediably ill persons were “denied the opportunity to make a choice that may be very important to their sense of dignity and personal integrity” and that is “consistent with their lifelong values and that reflects their life’s experience”

leaving people like Ms. Taylor to endure intolerable suffering, it impinges on their security of the person

right to “decide one’s own fate” entitles adults to direct the course of their own medical care
prohibition on physician-assisted dying deprived Ms. Taylor and others suffering from grievous and irremediable medical conditions of the right to life, liberty and security of the person.

void insofar as they prohibit physician-assisted death for a competent adult person who (1) clearly consents to the termination of life; and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition. “Irremediable,” it should be added, does not require the patient to undertake treatments that are not acceptable to the individual.

nothing in the declaration of invalidity which we propose to issue would compel physicians to provide assistance in dying. The declaration simply renders the criminal prohibition invalid. What follows is in the hands of the physicians’ colleges, Parliament, and the provincial legislatures.

The ruling only applies to competent adults with enduring, intolerable suffering who clearly consent to ending their lives.