



# CHABC Newsletter

Catholic Health Association of British Columbia

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## *Good News from the BC Court of Appeal about Assisted Suicide*

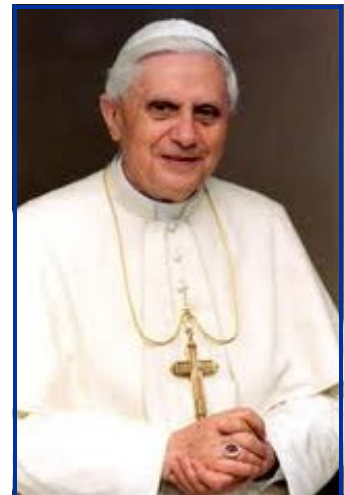
In a split decision, a three-member Court of Appeal panel has overturned the July 2012 BC Supreme Court ruling that characterized Canada's current laws on assisted suicide as "unconstitutional". Justice Lynn Smith at that time gave the federal government one year to amend our country's laws to allow assisted suicide. The federal government launched the appeal after the court ruling and also appealed the decision of Justice Smith to give one of the plaintiffs in the case, Gloria Taylor, a one-year exemption from the law. Almost immediately, however, another judge dismissed the latter appeal.

The appeal decision was released on October 10<sup>th</sup> – seven months after the arguments were heard in March of this year by the Honourable Chief Justice Lance Finch (now retired) and the Honourable Madam Justices Mary Saunders and Mary Newbury.

The history of this particular case dates back to November of 2011 when the BC Civil Liberties Association took the case to court. Over the past several decades, attempts to change Canada's laws have been made by way of Private Members' Bills in the House of Commons, following a democratic process. Time after time, our duly elected Members of Parliament have voted on this issue and each time have voted to uphold the current laws prohibiting euthanasia and assisted suicide in Canada. The most recent vote was in 2010 when the tally was 228 to 59 in favour of leaving our laws as they are.

The main plaintiffs in the 2011 case were family members of Kay Carter who was an 89 year old North Vancouver woman. She had travelled to Switzerland in January of 2010 with some of her family members where she died in a clinic after drinking a toxic mix of drugs. She had been diagnosed with a degenerative spinal cord condition two years earlier. Her family took up the case after her death, as they feared they could be prosecuted under Canadian law for assisting her in what took place in Switzerland.

Gloria Taylor was another plaintiff in the Carter Case. She was a 64 year old woman who lived in the Okanagan and had been diagnosed with ALS (*amyotrophic lateral sclerosis*, sometimes referred to as *Lou Gehrig's Disease*). She said that she didn't believe that God wanted her to suffer. She was very clear about what she wanted and said she had made her plans for assisted suicide four days after her diagnosis. Before the appeal was heard in this case, Ms. Taylor died suddenly in the fall of 2012 after she had been admitted to hospital for an infection related to a perforated bowel. A press release issued at the time said her death was "*quick and peaceful*".



At Lourdes in 2008, Pope Emeritus Benedict XVI urged people to accept death "at the hour chosen by God," rather than succumb to the pressure or temptation of taking one's own life or that of another. He encouraged people to rely on God's help to get through troubled times, illness or disease that may compel them to want to take their own life.

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## Legacy Project - Honouring the Women Religious of British Columbia

At the CHABC annual conference this past September, CHABC was grateful to receive a cheque from *Providence Health Care* for \$5000 in support of our ongoing initiative to honour the women religious in BC who founded hospitals, schools and social services in our province dating back to 1858.



John Brozovich, *PHC* Vice President for Mission, Ethics and Spirituality, presents a cheque for \$5000 to Legacy Project Chairperson Gerry Herkel

## *CHABC Bursaries 2014*

The board of directors of the *Catholic Health Association of BC* is pleased to announce that it will grant two bursaries in 2014 - - each in the amount of \$250 - - to two graduating students enrolled in a Catholic secondary school, or who are members of a BC or Yukon parish enrolled in a public secondary school or are home-schooled.

Interested students are invited to submit a 500 word essay to the Association by February 28, 2014, that demonstrates an awareness and understanding of the significance of **Spirituality in Health Care**.

While in some places in our province public health facilities have reduced or eliminated funding for spiritual, religious and pastoral care to patients and residents, the provision of this service is recognized in our Catholic and other faith-based care facilities as a core service. There is a recognition that care and attentiveness to spiritual health is an integral part of holistic care. Bursary applicants are asked to explain why care for the spirit is just as significant as care for the body, and for Catholics, why spiritual care is particularly important in tending to the sick and dying, their families, and to those who care for them.

Deadline for essay submissions is February 28, 2014.

For detailed information on bursary requirements, go to [www.chabc.bc.ca](http://www.chabc.bc.ca) under "upcoming events".

## *Denominational Health Association Co-hosts Lunch with the Health Minister*

On October 9<sup>th</sup>, BC's *Denominational Health Association* was pleased to co-host the first annual "Lunch with the Minister" in Vancouver. The Honourable Terry Lake, Health Minister, was the guest of honour who gave an address regarding his vision for seniors' care in British Columbia to more than 300 individuals who assembled. *DHA* was pleased to work with the BC Care Providers Association and the BC Senior Living Association to organize this event.



DHA Executive Director Susan House, Minister Lake and DHA President Derland Orsted

## *Good News from the BC Court of Appeals . . . continued from page 1*



The Euthanasia Prevention Coalition of Canada was granted intervenor status in the case as well as in the appeal. CHABC is a founding member of EPCBC and supports the national group as well.

In 1994, a Special Senate Committee travelled across Canada hearing submissions from individuals and groups about what they believed about euthanasia and assisted suicide. CHABC appeared before the Committee and made these recommendations:

- ◆ More funding for palliative care
- ◆ More funding for education and training for palliative care physicians for pain control and symptom relief
- ◆ Spiritual care for those who are dying – depression could lead to individuals asking to die

We were very pleased, when the Committee's recommendations were released in 1995, that they aligned with what we had asked for. The Committee also recommended that our laws remain as they are, prohibiting euthanasia and assisted suicide.

In the October Appeal Court decision, the Honourable Chief Justice Lance Finch was of the minority opinion. In his argument, he stated *"...life includes the ability to enjoy various experiences and to make various decisions."* His colleagues disagreed.

*From the Catechism of the Catholic Church: #2280.... "It is God who remains the sovereign Master of life. We are obliged to accept life gratefully and preserve it for his honor and the salvation of our souls. We are stewards, not owners, of the life God has entrusted to us. It is not ours to dispose of."*

The Honourable Madame Justices Newbury and Saunders held the majority opinion that *"...those who have only limited ability to enjoy such blessings are no less 'alive' and have no less a right to 'life'"*.

EPC Canada's arguments as an intervenor had been these:

- ◆ Real autonomy is diminished by legalizing assisted suicide.
- ◆ An absolute prohibition against assisted suicide is not discriminatory, but protective.
- ◆ There is no evidence adequate safeguards can be found to support Justice Smith's conclusions.

CHABC agrees with these arguments.

The Catholic Health Alliance of Canada issued a response to the October ruling, saying that the decision *"...affirms foundational relationships of care and trust in health care, especially for the chronically ill and those at the end of life."* CHAC's statement also addressed *"the failure to recognize that virtually all requests for assisted suicide arise from the emotional, psychological and spiritual experience of suffering"* and stated that: *"This presents a unique opportunity for clarification of much of this confusion and a more balanced presentation of the issues for care of the dying and for Canadian society in this critical issue."*

Last month, CHABC wrote to Federal Justice Minister Peter MacKay to congratulate the government on winning the appeal and to ask for support for more funding for palliative care. We also expressed disappointment that this issue has been taken to the courts and is bypassing the democratic process. We copied this letter to all Members of Parliament from British Columbia.

CHABC is grateful that threats to the vulnerable elderly and the disabled were seen as real by the Appeal Court judges and that they recognized the questionable nature of proposed safeguards.

## Meeting with the BC and Yukon Bishops

Last month, CHABC President Rick Folka, the BC Bishops representative to CHABC, Monsignor Bernard Rossi and CHABC Executive Director Susan House were honoured to have time on the agenda of the BC and Yukon Bishops annual meeting in Vancouver. We gave them an update on the political climate in our province regarding health care issues as well as giving them an overview of what the Appeal Court decided in the Carter Case.

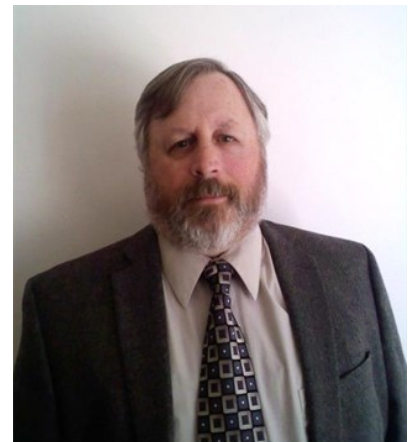


Bishop Gagnon (Victoria, Winnipeg Archbishop-elect), Bishop Monroe (Kamloops), Monsignor Rossi, Archbishop Miller (Vancouver), Rick Folka, Bishop Gordon (Yukon), Bishop Jensen (Prince George), Bishop Nowakowski (Eparchy of New Westminster), Bishop Corriveau (Nelson)

## The President's Christmas Message . . .



In this Holy Season of Advent, we wait in joyful anticipation for the birth of our Lord Jesus Christ, the Light of the World. Through the work we do in health care, Jesus calls us to keep that light burning brightly. May God bless the work of your hands as you share His light in your homes, parishes and places of work.



Rick Folka,  
CHABC President

On behalf of the board of directors of the *Catholic Health Association of BC*, I extend our very best wishes to you and your loved ones for a very Happy Christmas and a Blessed New Year.