

Monday, March 21st, 2016

**PROFESSOR EMERITUS, SCHULICH SCHOOL OF LAW,
RELEASES LEGAL OPINION IN SUPPORT OF VULNERABLE
PERSONS STANDARD**

Dianne Pothier, Professor Emeritus, Schulich School of Law at Dalhousie University, has released a thoughtful legal assessment on the competing constitutional rights at stake in *Carter v. Canada*. The legal opinion [*The Parameters of a Charter compliant response to Carter v. Canada \(Attorney General\), 2015 SCC 5*](#) is available along with other relevant reports on the Vulnerable Persons Standard website.

In the newly released report, Professor Pothier confirms the constitutional validity of the safeguards articulated in the Vulnerable Persons Standard. Her report outlines in detail why it is consistent with *Carter* to limit physician-assisted death to end-of-life conditions; include a mechanism of prior review beyond doctors' assessments; preclude reliance on advance directives; and limit availability to those 18 and over.

"*Carter* puts the onus on Parliament to craft a regime that provides equitable access to physician-assisted death. At the same time, it places on Parliament a responsibility to incorporate sufficient safeguards to protect the constitutional rights of the vulnerable. With competing constitutional rights, it is not open to Parliament to pursue one to the exclusion of the other - that was ultimately the downfall of an absolute ban on physician-assisted death."

**- Dianne Pothier, Professor Emeritus, Schulich School of Law at
Dalhousie University**

The Vulnerable Persons Standard was developed by a group of advisors with expertise in medicine, ethics, law, public policy and needs of vulnerable

persons. The Standard balances equitable access to physician-assisted dying with important safeguards to protect vulnerable people.

To learn more about the more than 40 national and provincial organizations supporting the Standard, please visit us at www.vps-npv.ca.

DID YOU KNOW:

The Vulnerable Persons Standard is rooted in the Supreme Court of Canada's conclusion that a "properly administered regulatory regime is capable of protecting the vulnerable from abuse and error."

People who request a physician-assisted death can be motivated by a range of factors unrelated to their medical condition or prognosis. These factors make some people vulnerable to request an assisted death when what they want and deserve is better treatment - to have their needs for care, respect and palliative and other supports better met. The Supreme Court of Canada recognized this reality. While it found that the absolute ban on assisted suicide breached a suffering person's right to autonomy in some cases, it also found that an exception to the ban could make some people vulnerable to abuse and error. Therefore, access to physician-assisted death must be balanced by our moral and constitutional duties to protect vulnerable persons who have unmet needs.

IN THE NEWS:

Watch: [Official launch of the Vulnerable Persons Standard](#)

Read: [What's so difficult about the right to die?](#)

The Vulnerable Persons Standard is a series of evidence-based safeguards intended to protect the lives of Canadians. These safeguards will help to ensure that Canadians requesting assistance from physicians to end their life can do so without jeopardizing the lives of vulnerable persons who may be subject to coercion and abuse.

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