

Monday, June 6th, 2016

ESTEEMED CANADIAN SENATOR AFFIRMS THE CONSTITUTIONALITY OF BILL C-14

On Thursday, June 2, Senator Murray Sinclair addressed the Canadian Senate for the first time in a distinguished career that has included service as a Manitoba Court of Queen's Bench judge and Chair of the Indian Residential Schools Truth and Reconciliation Commission. In his powerfully eloquent inaugural address to the Canadian Senate, Senator Sinclair affirmed the constitutionality of Bill C-14 and expressed his support for limiting physician-assisted death to persons for whom a natural death is "reasonably foreseeable".

Senator Sinclair began by reminding his colleagues of the delicate line that they must negotiate in their service not as lawmakers, but as advisors to the parliamentary process. He then set the frame for Bill C-14 with the wisdom of an Elder:

"... we do not want a society to think that suicide is always an option. We certainly do not want others encouraging others to end their lives. Those prohibitions continue in our law.

As a matter of principle, we still believe that life ought to be sacred. Therefore, when we are asked to consider a bill which undermines that principle, we must proceed cautiously. Our obligation as senators is to ensure that this law protects the weak, the impressionable and the vulnerable from themselves if necessary but certainly from others. We must ensure that as a matter of principle taking one's life is not undertaken easily.

We must not open the door too wide or try to imagine every possible scenario

where one might want to die and facilitate, in law, such potential wishes or scenarios. We must proceed cautiously and we should proceed incrementally."

Turning his attention to the Charter, and in particular the Bill's requirement that physician-assisted death be limited to persons whose natural death is reasonably foreseeable, Senator Sinclair referred to the [legal analysis of VPS Advisor Professor Dianne Pothier](#), concluding:

"... while I understand all of the arguments that have been put forward here today on the constitutionality question, I, with respect, disagree with them. I suggest that the bill does not have to comply with Carter, but the bill does have to comply with the Charter and, in my view, the government has acted appropriately to do so."

[Read the full text](#) of Senator Sinclair's important address.

DID YOU KNOW?

On Wednesday last week, a total of 36 organizations representing disability, palliative care and faith communities in Canada issued an [open letter](#) to Canadian parliamentarians, urging passage of Bill C-14 prior to the Supreme Court's deadline of June 6. Citing international research of the risk of a system without robust safeguards, the coalition concluded:

"There is only one way to protect the constitutional rights of Canadians in a system for medically-assisted death, and that is by Parliament fulfilling its obligation to establish a pan-Canadian system of safeguards.

We are calling on Parliament to respect the rights of Canadians to both autonomy and to protection of life. Bill C-14 is not a perfect bill - but it does include at least minimal safeguards that help to strike this balance."

VIDEO - CONFERENCE

Watch the [press conference](#) from Tuesday, May 31 on the calling by the national disability rights community to pass Bill C-14.

Speakers include: Catherine Frazee (Professor Emerita, School of Disabilities Studies at Ryerson University), Michael Bach (Executive Vice-President, Canadian Association for Community Living), James Hicks (National Coordinator, Council of Canadians with Disabilities), Dianne Pothier (Professor Emerita, Sculich School of Law, Dalhousie University) and Trudo Lemmens (Professor, University of Toronto Faculty of Law).

The Vulnerable Persons Standard was developed by a group of more than forty advisors with expertise in medicine, ethics, law, public policy and needs of vulnerable persons. The Standard is a series of evidence-based safeguards intended to help 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.

To learn more about the Standard and the many Canadians and organizations endorsing the Standard, please visit us at www.vps-npv.ca.

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