

July 6, 2011

Dear Friends:

We won! The Ontario Court of Appeal sided with the Rasouli family and the Euthanasia Prevention Coalition (EPC) by deciding that **doctors do not have the unilateral right to withdraw life-sustaining medical treatment**. Representing EPC, Hugh Scher and Mark Handelman provided arguments that were centrally important to the outcome of the Rasouli decision. It is very clear that the three judges closely followed EPC's reasoning.

In the EPC press release I stated: *This decision has profound implications for patients throughout Canada in terms of feeling safe and secure in accessing medical services near the end of life.*

Hugh Scher stated: *A contrary decision would have effectively provided doctors with unilateral authority to withdraw life-support and end the life of a patient without any oversight, due process or procedural safeguards to patients.*

Mark Handelman, a former Vice-Chair of the Consent and Capacity Board, stated: *Today's ruling is perhaps the most significant end of life decision ever made by a Canadian court. It suggests that other provinces ought to be looking at implementing a similar regime of a board or tribunal to address such matters where they arise.*

We argued that Life-Sustaining Treatment was part of a "Treatment Plan" and could not be removed without consent. Any decision to withdraw life-sustaining treatment, such as a ventilator, fluids or food, is a change in the "treatment plan" and therefore requires the consent of the patient or the substitute decision-maker. The doctors argued that if the doctor decides that the medical treatment is futile, consent was not required to withdraw medical treatment.

The three Justices unanimously agreed with our position. In most circumstances the ventilator provides benefit and is not futile. Fluids and food are always beneficial unless a person is imminently dying. The *Rasouli decision* stated that these issues should be decided by the legislature and not the court. The decision was not perfect. We are concerned that there will be other cases to the define futility.

The Rasouli decision is a huge victory for individual rights and protects the values of Canadians. When a doctor wishes to withdraw life-sustaining treatment and the family disagrees, the doctor must ask the *Consent and Capacity Board* for a decision. This is not a perfect system but at least the *Consent and Capacity Board* gives the family an opportunity to express their concerns.

The total cost of intervening in the *Rasouli case* was around \$30,000. Considering the success of our legal team, the precedent that has been established, the Rasouli intervention was a good investment. This precedent will influence other decisions across Canada and in Common Law countries.

We do not have the money to pay our legal bill. When we began our intervention in the Rasouli case we asked donors to donate specifically to this effort. Currently we have raised around \$10,000.

EPC - BC has been reactivated under the leadership of Dr. Chris Ryan and others who attended the successful *Third International Symposium on Euthanasia and Assisted Suicide* last month in Vancouver. **We are also establishing EPC - Prairies** under the leadership of Mark & Laree Pickup. Mark is a long-time disability advocate, leader and speaker on issues concerning euthanasia and assisted suicide and we welcome his leadership. **We hope to establish an EPC - Maritimes group in the near future.**

The euthanasia lobby seeks to strike down Canada's laws through British Columbia's courts.

The *Farewell Foundation* sought to be incorporated to provide suicide services for members, similar to the *Dignitas* suicide center in Switzerland. BC denied the incorporation, because they existed solely to break the law. The *Farewell Foundation* launched a court challenge on two claims: (1) Canada's assisted suicide law is unconstitutional, and (2) they were unconstitutionally denied incorporation.

Kay Carter died by assisted suicide in January 2010 at the *Dignitas* suicide center in Switzerland. The *BC Civil Liberties Association* (BCCLA) launched the *Carter case* on behalf of her family. They claim that Kay Carter's rights were violated because the laws preventing euthanasia and assisted suicide are unconstitutional. They also claim that the rights of the Carter family were violated by the threat of prosecution by an unconstitutional law.

The BCCLA recently added Gloria Taylor (63) to the *Carter case*. Because Taylor has ALS, the BCCLA hopes that the BC Supreme Court will hear the case sooner, perhaps as early as November 2011. The BCCLA is comparing this case to the Sue Rodriguez case. They intend to overturn the Rodriguez decision of 1993 and have Canada's euthanasia and assisted suicide laws declared unconstitutional.

The *Carter/Taylor case* has tremendous implications for Canadians. If the BCCLA prevails, the laws that protect Canadians from euthanasia and assisted suicide will be struck down as unconstitutional. The BCCLA argues that the constitution recognizes a right to die (be killed) that is only limited by the capacity to consent to the act. They insist that safeguards can protect people from euthanasia and assisted suicide.

We disagree. Recent official reports from the Netherlands indicate that euthanasia rates continue to increase. Lethally injecting people with Alzheimer's or dementia is now officially approved. Last year, one report from Belgium showed that 32% of all euthanasia deaths were done without request or consent. A second report showed that 47% of all euthanasia deaths in Belgium were not reported.

The Euthanasia Prevention Coalition is seeking intervener status in the BCCLA *Carter/Taylor case*. Now that Gloria Taylor has been added to the case it has become even more important for us to intervene in the case. Her condition is more sympathetic and pressing to the court and the public. It may cost as much as \$100,000 to intervene in the *Carter/Taylor case*, but the cost of not intervening would be greater.

Considering the success of the *Third International Symposium* in Vancouver, the reactivation of *EPC - BC*, our plan to establish *EPC - Prairies*, and our success in the *Rasouli case*, we hope you will support our intervention in the *Carter/Taylor case* by donating or by becoming a regular monthly donor to EPC.

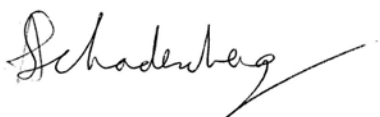
We also experienced a serious financial disruption during the Canada Post labour dispute.

We need your financial support. We need to pay for the *Rasouli case* legal debt and we require long-term financial support enabling us to raise \$100,000 to intervene in the cases in British Columbia.

EPC is distributing two books. The first is *Bristlecone Mountain*, a novel that concerns issues related to euthanasia and assisted suicide. The author, Dr. Keith McDonald, is a member of EPC. The second title is the recent edition of the medical handbook *Symptom Management Algorithms: A Handbook for Palliative Care*, by Dr. Linda Seaman, also a member of EPC and a palliative care pioneer.

For those who donate \$100 or more, we will send you either *Bristlecone Mountain* or the *Handbook for Palliative Care*. Please indicate your choice on the donor response card.

Thank you for your continued support.



Euthanasia Prevention Coalition Executive Director

BOX 25033 LONDON ON N6C 6A8

BOX 611309 PORT HURON MI 48061-1309

TEL 519-439-3348

FREE 877-439-3348

FAX 519-439-7053

info@epcc.ca

www.epcc.ca