



## From our President, Phil Horgan

Hello friends,

The passage of the final version of Bill C-14 this past June is only the beginning.

From a Global News story from June 29:

Health minister Gaétan Barrette is taking the MUHC to task for denying doctor-assisted death to patients in palliative care. Barrette said he recently learned the hospital requires patients to transfer out of the palliative care department in order to follow through with doctor-assisted dying procedures. They are also required to have been patients for at least 18 months prior to the move. Barrette called this practice “totally illegal” because a hospital cannot decide which departments will or will not offer medical aid to die.

“They have a level of independence they have exercised, obviously, and this is within the directives I have put forward. If they do not abide, I will change my directives,” he said.

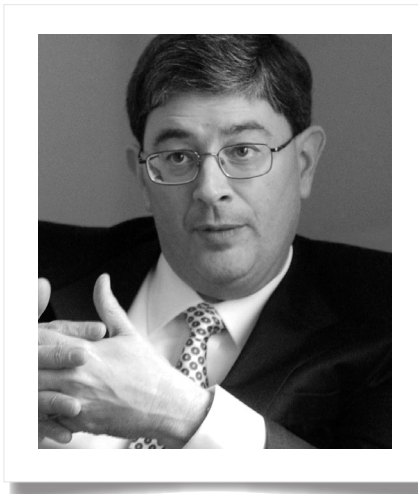
Note how quickly the “choice” to have a doctor assist in one’s death becomes a matter of coercion, where even a palliative care unit will be pressured into performing doctor assisted death, rather than remaining true to the prospect of the Hippocratic tradition. The connection of doctor assisted killing with a state sponsored monopoly on health care will only lead to further abuses.

Is it any surprise that the Netherlands has only 70 palliative care beds in the country, according to a Dutch palliative care specialist? That is the result of 20 years of assisted suicide in that country. Will Canada be immune from such pressures?

On another aspect of religious freedoms, we have seen the pressure placed by professional bodies, such as the Law Society of Upper Canada, to deny future accreditation to graduates of Trinity Western University’s proposed law school, a decision upheld last week by the Ontario Court of Appeal.

Our work at the League will certainly face new challenges in the days ahead. Please pray for our work, and if means allow, we thank you for considering your continued financial support for the work of the CCRL. In a special way, we ask that you pray that we may find additional workers to find time to assist us in our advocacy.

I am pleased to report that our new board member, former *National Post* religion editor, **Charles Lewis**, has agreed to provide further commentaries on a regular basis to our website, the first of which appears in this newsletter. Charles has already written four further commentaries, which I recommend to you at [www.ccrl.ca](http://www.ccrl.ca).



And I urge our southern Ontario supporters to save the following date: **October 26, 2016**, when we will have as our guest speaker at our annual meeting, **George Weigel**, Distinguished Senior Fellow and William E. Simon Chair in Catholic Studies, Ethics and Public Policy Center, and frequent contributor to

First Things. That date will be roughly one year after the election of Justin Trudeau as our Prime Minister, and roughly two weeks prior to the US elections, so there will be many topics worthy of comment.

# The Catholic Civil Rights League (CCRL) Opposes Bill C-14

This spring, as the federal government moved toward assisted suicide and euthanasia, the CCRL issued the following release:

TORONTO, ON May 2, 2016 – Canada moves to engage third party “suicide”, against our history, and the practice of good medicine. Parliament should not meekly comply with a radical Supreme Court decision, when other mature democracies have come to the opposite conclusion. Much less should it expand hastily on the Carter decision.

The Catholic Civil Rights League (CCRL) sent the following submission to the Standing Committee on Justice and Human Rights regarding Bill C-14:

May 2, 2016

The Standing Committee on Justice and Human Rights JUST@parl.gc.ca

Basing itself on a highly controversial interpretation both of human autonomy and of Charter rights, Carter provided a defence to physicians willing to be involved in assisted suicide or euthanasia. It compromised, but did not erase, sections 241 a and b of the Criminal Code, which remain good law, and applicable to non-physicians. Bill C-14 re-writes s. 241 b so as to open the door, not only to physicians, but to nurse practitioners and “others” (lawyers, pharmacists, social workers, according to the bill’s accompanying explanatory note) to commit acts once considered engagement in culpable homicide.

Canadians should not be confused by the purported limitations expressed in the current bill, as opposed to the wide ranging recommendations of the Parliamentary Joint Committee report issued in February. We are crossing into largely predictable territory, as seen in other jurisdictions where assisted suicide has been enacted, and which have caused jurists in other jurisdictions to come to the opposite conclusion expressed by our Supreme Court.

We are embarking on a loosening of what was understood until last year to be criminal activity. In fact, in a lengthy essay recently published by Toronto Life, right to die activist, John

Hofsess, admitted to assisting eight people with their deaths between 1999 and 2001, prior to taking his own life this past March. Hofsess was no doctor or nurse practitioner. He was a journalist, who adopted methods propounded by Jack Kevorkian.

If charges were never brought against Mr. Hofsess prior to the passage of the proposed bill, is it likely that the system will engage in any investigation of a doctor, nurse practitioner, or third party who may engage in imperfect compliance with future assisted deaths?

We stand with those many physicians, healthcare workers, and concerned citizens who oppose these changes.

## Safeguards Are Illusory

The CCRL has consistently warned that the pursuit of safeguards for vulnerable people have been ignored over time in other mature western jurisdictions when it comes to assisted suicide. In fact, Madam Justice Smith, the trial judge in Carter, whose reasoning was adopted by the Supreme Court, addressed such concerns by suggesting that Canada could enact appropriate safeguards to avoid unacceptable outcomes. A more recent decision of the High Court of Ireland came to the opposite conclusion:

The Canadian court reviewed the available evidence from other jurisdictions with liberalised legislation and concluded that there was no evidence of abuse. This Court also reviewed the same evidence and has drawn exactly the opposite conclusions (emphasis added).

That Irish court’s review, upheld on appeal, based on the available evidence from the medical literature and reported findings, found serious examples of abuse, disturbing practices, and several cases of deaths without explicit request. The Court’s concerns were based on risks of impropriety that remained “strikingly high” in countries which have legalized assisted suicide.

Ireland is not alone in this context. In 2014, a U.K. Supreme Court decision deferred to Parliament the issue of assisted suicide in Nicklinson. British MPs then voted in September, 2015 against adopting an assisted suicide bill, 330 to 118.

# Bill C-14 Does Not Create a Complex Regulatory Process

The Supreme Court in Carter stated as follows:

Parliament faces a difficult task in addressing this issue; it must weigh and balance the perspective of those who might be at risk in a permissive regime against that of those who seek assistance in dying. It follows that a high degree of deference is owed to Parliament's decision to impose an absolute prohibition on assisted death. On the other hand, the trial judge also found – and we agree – that the absolute prohibition could not be described as a “complex regulatory response” (para. 118). The degree of deference owed to Parliament, while high, is accordingly reduced. (para. 98)

Later, in response to objections about the risks of an assisted suicide regime, the Court stated:

The trial judge, on the basis of her consideration of various regimes and how they operate, found that it is possible to establish a regime that addresses the risks associated with physician-assisted death. We agree with the trial judge that the risks associated with physician-assisted death can be limited through a carefully designed and monitored system of safeguards. (para. 117)

The Supreme Court proposes a wait and see approach on possible abuses:

The trial judge, after an exhaustive review of the evidence, rejected the argument that adoption of a regulatory regime would initiate a descent down a slippery slope into homicide. We should not lightly assume that the regulatory regime will function defectively, nor should we assume that other criminal sanctions against the taking of lives will prove impotent against abuse. (para. 120)

Applications arising from “Carter 2” (the subsequent 5-4 decision of the Supreme Court allowing a judicial review procedure pending passage of any new law by Parliament) required that evidence be provided not merely from the applicant seeking death, but from the attending physician, a psychiatrist, and the physician willing to undertake the performance of the deed.

In the proposed bill, no psychiatrist is required. A wait period of 15 days is suggested. It is understood that the current wait time

for a psychiatric consultation in most of Canada would typically be a minimum of three months. No stipulation is accorded for the subtle multi-disciplinary approach required of most mental health teams in our current system to assess an interim suicidal request from a demand for one's premature death if only one practitioner is required.

The proposed legislation suggests that third parties who may assist in causing death may be immune from prosecution, leaving the door open for any number of possible abuses: sections 241 (3) and (5).

It also remains a possible option for someone's power of attorney to sign the proposed request for death.

The bill contains no requirement that an applicant for medically assisted suicide be provided psychiatric consultation, a period of palliative care, or pain management consultation. A suicidal patient should be allowed access to a proper prognosis. A 15 day waiting period is unacceptable for a proper assessment of underlying factors, such as depression, for which modern medicine has ample methodologies for possible treatments.

The proposed standard to allow assisted suicide where “natural death has become reasonably foreseeable” could be applied to everyone. Moreover, the attending medical provider merely must provide an “opinion” to this effect, without the requirement of a “prognosis” or an assessment of the specific length of life one has remaining. This contradicts good medicine.

Access to physician assisted suicide in other jurisdictions is reported at approaching 4 to 5 per cent of all deaths, for those cases that are reported, which could approach 14,000 deaths each year if applied in Canada.

In sum, the bill lacks stringent oversight. The proposed legislation allows for assisted suicide when death is reasonably foreseeable, as opposed to when death may be “imminent”. Moreover, it does not include a stringent reporting system or forbid falsification of death certificates (which ought always to stipulate the actual cause of death), thus inviting grave and widespread abuses.

It is our submission that a “complex regulatory response” as expected from the Supreme Court has not been proposed. The CCRL asserts that mistakes are destined to be made, or worse, intentional actions will be taken, leading to the deaths of innocent and vulnerable victims, without any likely prosecution.

## Inadequate Protection of Conscience Rights of Healthcare Professionals

A provision in the preamble to Bill C-14 provides a reference to conscience rights of healthcare workers, but such protections need greater clarification from the federal level, with a secure process for enforcement, whether by a provision of the Criminal Code to oppose any infraction. Such protections should not be left merely to provincial mandates.

Health Minister Dr. Jane Philpott asserted that “no healthcare provider will be required to provide medical assistance in dying”, yet without addressing issues of mandatory referrals, or institutional protections for religious institutions.

C-14 suggests that Canada is embarking on a sad course to change irrevocably the practice of medicine.

## RECOMMENDATIONS

1. The CCRL continues to assert that the notwithstanding clause of the Charter of Rights and Freedoms should be employed to provide time for a full debate about Carter and its implications.
2. The CCRL submits that legislators should reject the redefinition of medicine implied by Carter and entailed in Bill C-14. They should instead support medicine as historically understood by making substantial funding commitments to the universally accepted areas of palliative care and pain management, which remains at unacceptably low levels of availability.
3. Rights and freedoms of medical practitioners, medical institutions, and the many citizens who desire traditional (Hippocratic) medical care must not be obviated in any fashion, including loss or diminishment of funding. Islands of refuge for religious hospitals and hospice care facilities must be established as a matter of law, and no prejudice should be suffered. Provincial transfers under the Canada Health Act should accommodate such institutions, as a matter of best practice.

Fleming v. Ireland & Ors, [2013] I.E.H.C. 2 (H.C.), summarizing paras. 88-105 of the judgment. Judgment of the High Court of Ireland, upheld unanimously on appeal to the Supreme Court of Ireland, Fleming v. Ireland & Ors, [2013] I.E.S.C. 19 (Ireland S.C.)

## #endthekilling The Catholic Civil Rights League (CCRL) supports the March for Life

The Catholic Civil Rights League (CCRL) was pleased to extend its continued support for the national March for Life, which took place in Ottawa on May 12 with representation from across the country. The theme for this year’s march was #endthekilling

As in previous years, the CCRL’s executive director, Christian Elia, was present in Ottawa supporting the cause with media work, advertising support, and a financial donation on behalf of the CCRL. Dr. Elia participated in EWTN’s live coverage from Parliament Hill.

The right to life and the sanctity of human life is fundamental to all of the civil rights issues that the CCRL addresses through its work.

Like last year, an estimated 23,000 people assembled on Parliament Hill and marched through downtown Ottawa.

Provincial marches for life also took place simultaneously across Canada, drawing thousands more. Events in Ottawa included Masses, a candlelight vigil, youth workshops, the Rose Dinner and a youth banquet in addition to the march itself.

The CCRL thanks our friends at Campaign Life Coalition for the wonderful work that they do each year with the March for Life.





## The CCRL Presents the Exner Award to Alex Schadenberg at its 2016 Spring Dinner, Hears Address by Douglas Farrow

On June 2, the CCRL hosted its annual dinner in Toronto. This year the keynote speaker was Douglas Farrow, Professor of Christian Thought at McGill University, holder of the Kennedy Smith Chair in Catholic Studies, and Project Director for Pluralism, Religion and Public Policy. He spoke about the concept of autonomy and autonomy and dignity as understood by society, reflected in the Supreme Court of Canada's Carter decision and Parliament's response in Bill C-14.



For the state today does not acknowledge that there is any higher form of law than its own law. It regards it a duty of its secularity that it should make no such acknowledgment. Conscience-and-religion claims have thus receded into the realm of the non-rational. They are not perspicuous to public reason, and can be accessed legally only by a sincerity test; that is, they permit only a subjective judgment as to whether they are deeply and sincerely held. Conscience and religion claims, at bottom, are just a subset of autonomy-and-dignity claims. Voices are now raised asking whether they add anything specific or particularly useful, or should be de-listed.

Otherwise put, one can no longer appeal to the fundamental demands of morality, for the state does not know what to do with moral questions. It knows only choices, choices that rest on the freedom of indifference. The choice for suicide stands on level ground with the choice against suicide.

The League presented the Archbishop Adam Exner Award for Catholic Excellence in Public Life to anti-euthanasia/assisted suicide activist Alex Schadenberg. He has been the Executive Director of the Euthanasia Prevention Coalition (EPC) since July 1999 and the Chair of EPC – International since November 2007. Schadenberg, who was accompanied by his wife Susan and their six children, spoke about the history of the EPC and the fight against euthanasia and assisted suicide in Canada.



The CCRL instituted the award to honour Archbishop Exner upon his retirement in 2004. It recognizes outstanding leadership in a variety of areas, including education, philanthropy, life issues and social development. Previous winners have included the late Frederick W. Hill, Catholic philanthropist and chairman of the Hill Group of Companies, Gwen Landolt, long time national Vice-President of REAL

Women of Canada, Jim Hughes, founder of Campaign Life Coalition, Fraser Field, founder of Catholic Educators Resource Centre, Dr. Andrew and Joan Simone, founders of Canadian Food for Children, Frank Chauvin, founder of Haiti's first orphanage for girls, broadcaster Michael Coren, artist and author Michael O'Brien and prolife writer and activist Father Alphonse De Valk, CSB.

For more on the CCRL's Spring Dinner 2016, please see:

<http://everydayforlifecanada.blogspot.ca/2016/06/ccrl-recognizes-work-of-alex.html>

For the Catholic Register's article on Alex Schadenberg and the Exner Award please see:

<http://www.catholicregister.org/item/22432-schadenberg-receives-exner-award>

For the world's most widely read blog on issues related to euthanasia and assisted suicide, please visit:

[www.alexschadenberg.blogspot.com](http://www.alexschadenberg.blogspot.com)

For more from Prof. Farrow on euthanasia and assisted suicide, please see:

<https://www.mcgill.ca/prpp/euthanasia>

## **The CCRL Unveils Editorial Column at [cctl.ca](http://cctl.ca) Featuring New Board Member Charles Lewis**

The Catholic Civil Rights League (CCRL) is pleased to announce that it has unveiled a new editorial column featuring its newest member of the board of directors, Charles Lewis.

Charles Lewis has been a close friend of the CCRL, giving the keynote address at our 2015 Spring Dinner. He has 36 years of experience in journalism and is currently a regular contributor to The Catholic Register. He was the religion reporter for the National Post until January 2014. He is a leading anti-euthanasia activist through his writing since 2007 and his relentless speaking engagements over the past three years.

It is with great pleasure that the CCRL will be providing a forum for all of our supporters and indeed all Canadians to read Charles Lewis on a regular basis at [cctl.ca](http://cctl.ca).

The first Charles Lewis editorial column, "What is Going On With Us?" is reprinted below. Please visit [cctl.ca](http://cctl.ca) for more from Charles.

## **What Is Going On With Us?**

*By Charles Lewis*

What is going on with us? How is it the Catholic voice has been suppressed to a whisper? Why is it we lose battle after battle, including the recent fight to stop euthanasia from becoming legal? How is it so many Catholics have become afraid to stand up for their faith?

Even more distressing than the loss on euthanasia, was the sad state of Catholic resistance. Far too many Catholics stayed on the sidelines, or worse, showed support for this unmitigated evil.

An Angus Reid poll taken in late 2015 found 70% of Catholics either strongly or moderately supported legalized euthanasia. By contrast, 65% of Evangelical Protestants said they opposed euthanasia. Remember, too, there is no real central authority for Evangelicals. There is no hierarchy or bishops or

pastoral letters that come down the pike. Clearly Evangelicals by dint of their faithfulness to Christ fell on the right side of the debate.

We may have to look at emulating what our Evangelical brothers and sisters have that we seem to be missing.

These are not esoteric questions. These are serious issues that we must face or lose whatever influence we have left in society at large.

In Canada, we are nearing the state of living with a dangerous ideology called atheistic secularism. Its influence is far and wide and has caused far more damage than most Catholics realize. When I was a reporter for the National Post, for example, I covered myriad incidents of pro-life clubs being kicked off of Canadian university campuses. And unless I missed something very few ordinary Christians came to the rescue of these idealist young people. We let it happen. We need to start looking at these bans as not just assaults against pro-life students but every single one of us.

Many of our doctors will soon face the harsh choice of standing by their religious beliefs by refusing to have anything to do with medicalized murder or lose their right to practice medicine. Will we help them? Or will we just pretend that nothing is going on?

We constantly talk about our faith as a communion. We talk about being the Body of Christ. That has to mean something beyond sacred images.

Let's get one thing out of the way because I fear this false idea has infected many of us: the word "secular" has come to stand for every view but the religious view. That is a lie. Secular means every view including the religious view. I'm convinced that too many Catholics have bought into the idea that religion has no business outside the parish or the home or that we have no right to influence policy. There is no religious test for citizenship.

When Pope Benedict XVI was in England for the beatification of John Henry Newman he addressed the British Parliament. He said, and I paraphrase, that a society without religion can easily fall into such dangerous ideologies as communism and fascism and a society that is dominated by one religion can soon become a theocracy. Neither is good.

The goal, therefore, is to gain back that balance before our voice is utterly extinguished.

What we believe and the actions that follow are not just beneficial for the faithful but all of society. Extreme secularists and atheists object to our views on life when it suits them. Yet no one, not even the late Christopher Hitchens, ever complained about the hospitals and schools we have built in the developing world, nor have they complained about the out-of-the-cold programs or hostels or food banks and the endless works of charity performed by Catholics and the Church. It was a Catholic parish in Toronto who sent their priests into the gay village when the AIDS epidemic hit. They did not go there to convert but to comfort.

On the euthanasia front there are many who deserve our esteem but there far more whose reaction is cause for deep reflection. Many appear not really to understand the faith they purport to follow. Many priests failed to raise the topic of euthanasia except when ordered to by the bishop through a pastoral

letter. And, as much as it pains me to say, the leadership has to take some blame for not jumping in hard enough and early enough on this most critical life issue.

Some will argue that whether or not Catholics had been more involved it would have made a difference. We will never know. There

are millions of us in Canada. Imagine if even a quarter of Catholics who attend Mass on Sunday had written to the government? Or demonstrated in the street? Or decided to dump petitions in the riding offices of their MPs?

We may not have won but it would have shown we are a force to be taken seriously. Not because we are special but because like all other citizens we vote, we pay taxes, we contribute and we help our fellow citizens regardless of their faith or no faith.

It is also our duty to stand up for what we believe rather than worry about the odds of victory. If you need reminding of what true sacrifice looks like think of your fellow Christians in the Middle East who are being slaughtered for refusing to renounce their love of Jesus Christ.

What will happen to us? Someone will call you a name? Someone will laugh? In speaking to groups about euthanasia and before that about the media when I was at the National Post, I sensed so much fear of being mocked for proclaiming the truth. There was even this poisonous idea that if we made the issue appear too religious the secular world would have rejected our position based on anti-religious pressure.

We have to stop worrying about what others think of our sincere beliefs. We are a religion of love. But that should not make us a doormat.

I don't think the euthanasia debate is over though we have lost the fight to keep it illegal. We are going to have to live with that. But we can still work like mad to challenge the government at every turn. We can try to influence our fellow Catholics who are soft on euthanasia to rethink their positions. A change of heart may save lives.

We have to start using the parish halls not just on Sundays and not only to plan parish picnics but also to evangelize each other.

We have to make our priests respond to the life and death issues that are before us. Too many times have I heard from the several thousand Catholics I have met since speaking out about euthanasia that their priests remain mute.

I can't tell you how many times I've heard that the Church has other priorities. In all respect, euthanasia was the priority – for the obvious reason that the consequence is murder.

And finally, to make the Church wholly Catholic again not just a menu of likes and dislikes that we pick at whim.

Over the course of the coming weeks, months and perhaps years I want to address some of what is needed. It will only be my opinion. I hope it creates some discussion.

I am not doing this for money or glory. I am doing this because I love the Catholic Church. I want us to live in the light of truth and to no longer fear the unknown. We have each other and the Holy Eucharist. That's an amazing start.

*Charles Lewis is a regular contributor to The Catholic Register and a board member of the Catholic Civil Rights League. He has been writing for 36 years. He was also the religion reporter for the National Post until January 2014.*

**Dear CCRL Supporters,**

We are in the midst of a 2016 mid-year appeal. If your financial situation allows, please do make a donation by placing a stamp on the return envelope provided and enclosing the donation card along with a cheque or credit card information. We no longer operate on a membership model and you will not be contacted about membership renewal. Instead, we ask that you simply donate what you can when we make our appeals at certain points throughout the year. Even donating the reasonable amount of \$15 for seniors/students/clergy/religious will ensure that as a CCRL supporter you will receive in print mailings in addition to what we offer all of our supporters electronically.



**The Catholic Civil Rights League** [www.ccrl.ca](http://www.ccrl.ca)  
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