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CLF Granted Intervener Status - BC court to revisit constitutionality of euthanasia and physician assisted suicide

London, ON – In November 2011, the *British Columbia Supreme Court* will be asked to strike down the *Criminal Code* provisions against euthanasia and assisted suicide, revisiting a 1993 judgment by the Supreme Court of Canada in *R. v. Rodriguez*. Presented another way, the Court will be asked to determine whether physicians have the right to kill their patients under section 7 of the *Charter of Rights and Freedoms*. Does the right to life in section 7 include the right to inflict death?

The plaintiffs in the case include the BC Civil Liberties Association; a couple who travelled to Switzerland to assist in killing a family member; a woman with the terminal illness ALS; and a doctor who desires to assist in suicides. The Christian Legal Fellowship (CLF) is one of only a handful of groups to which the Court has granted intervener status. CLF will be entitled to submit a 20-page written brief and present one hour of oral argument at trial.

The matter has been fast-tracked; it is scheduled to begin on November 14, 2011 and to continue for approximately four weeks. The CBC network has applied to the Court for the right to televise the trial. Madam Justice Lynn Smith, of the British Columbia Supreme Court, will preside at the trial and is expected to hear voluminous evidence from witnesses for the plaintiffs and the Attorneys General for Canada and British Columbia.

“As recognized in *Rodriguez*, human life must be respected and safeguarded at law,” states Ruth Ross, Executive Director and General Legal Counsel for Christian Legal Fellowship, adding: “no government can adequately protect against the abuses and mistakes that would arise from allowing physicians to cause their patients’ deaths.”

According to Law Professor Bradley Miller, who is assisting CLF, “the attack on this law is, in reality, an attack on all who are now - or will someday be - physically vulnerable and dependent. It is an attack on all of us who would claim the law's protection.”

The experiences in other jurisdictions of the world demonstrate that physician-assisted suicide or euthanasia, once legalized, cannot be effectively regulated. This was precisely the concern expressed by the Supreme Court of Canada in *Rodriguez*. CLF is also concerned that any undermining of the existing law will threaten the freedom of conscience of healthcare workers or others who may be required as part of their employment to assist or be complicit in killing another person.

CLF is represented in these proceedings by Gerald Chipeur, QC of Miller Thomson LLP.

For background information, visit our website at: <http://christianlegalfellowship.org>

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