“Assisted Suicide Ruling to be appealed by Ottawa” CBC News, July 13, 2012

The federal government will appeal last month's ruling by the British Columbia Supreme Court that partially struck down Canada's ban on assisted suicide, Justice Minister Rob Nicholson says.

The ruling declared that the Criminal Code section targeting anyone who "aids or abets a person to commit suicide" should not apply to physicians in cases where terminally ill patients request to die.

*Justice Minister Rob Nicholson said Friday the government believes laws prohibiting medical professionals or anyone else from counselling or assisting suicide are constitutionally valid. (Canadian Press)*

Judge Lynn Smith halted her decision for a year to give Parliament a chance to rewrite the law, which she deemed unconstitutional because it unfairly deprives people with degenerative illnesses of their liberty, and because it discriminates against those with a physical disability who might need assistance to exercise their right to take their own life.

But she also granted an immediate exemption for Gloria Taylor, one of the women who brought the suit, and her doctor.

Nicholson said Friday the government will seek a suspension of all aspects of the ruling, including the exemption for Taylor, while it goes to the British Columbia Court of Appeal. The government believes Section 241(b) of the Criminal Code is constitutional, he said.

"The laws surrounding euthanasia and assisted suicide exist to protect all Canadians, including those who are most vulnerable, such as people who are sick or elderly or people with disabilities," Nicholson said in a statement. "The Supreme Court of Canada acknowledged the state interest in protecting human life and upheld the constitutionality of the existing legislation in Rodriguez (1993)."

"In April 2010, a large majority of parliamentarians voted not to change these laws, which is an expression of democratic will on this topic. It is an emotional and divisive issue for many Canadians," the statement said.

**Civil liberties lawyer disappointed**

A lawyer for the B.C. Civil Liberties Association, one of the plaintiffs in the case, said the organization is disappointed — though not surprised — by the federal government's appeal of Smith's ruling.

"Given the strength of the decision and just how carefully it was considered and how detailed it was, it is perplexing," Carmen Cheung said.

"As many people know, and as the court recognized, this case is a very urgent one for Ms. Taylor, who is very sick, and she is seeking a right to a peaceful and dignified death. It's her life and her decision how she wishes to die, and it's an interference really in her very, very personal decision."

Taylor has Lou Gehrig's disease, or ALS, an ailment that is likely to sap away her control over her body until she can't even breathe on her own, while leaving her mind and sensation intact. She hailed the lower court's ruling because it gives her control over when and how she dies.

Taylor and the other plaintiffs in the case argued that the ban on assisted suicide violates Section 15 of the Charter of Rights and Freedoms because it discriminates against people with degenerative conditions who don't have the physical means to take their own lives.

They also argued the ban violates their Section 7 right to life because, if they do want to end their suffering, they would have to do so earlier than they might otherwise want, before they lose the capacity to act.

*With files from The Canadian Press*