

November 2015

The College of Physicians and Surgeons of Manitoba
1000-1661 Portage Avenue
Winnipeg, Manitoba
R3J 3T7

Attention: Registrar of the College of Physicians and Surgeons of Manitoba

Dear Dr. Anna Ziomek:

Re: Physician-Assisted Suicide and Euthanasia and Conscientious Refusal

We, the Catholic Archbishops and Bishops of Manitoba, are dismayed and disagree with the Supreme Court of Canada's recent decision in the case of *Carter vs. Canada (Attorney-General)*. We recognize that there can be ramifications from the decision that we wish to see avoided. The ruling by the Supreme Court of Canada puts at risk the lives of the vulnerable, the depressed, those with physical or mental illness, and those with disabilities. Of particular concern is the need to uphold and protect the right of every physician to conscientiously object to being involved in the practice of physician assisted suicide and euthanasia. This includes the right to refuse to refer persons to those physicians who may not conscientiously object to these controversial procedures.

The Supreme Court of Canada in the *Carter* decision stated "that a physician's decision to participate in assisted dying is a matter of conscience and in some cases of religious belief". They further noted that the physician's decision is protected by the Charter. We are aware that you now have the task of reconciling the Charter rights of the physicians with the recently decided Charter rights of the patients.

In Canada there is no right of persons to demand or to receive services from a specific physician. Each physician has the right to refuse or to accept a patient, such right to be based on legitimate reasons. The physician must inform the patient where his or her personal morality would influence the recommendation or practice of any medical conscience procedure that the patient needs or wants. This is done to honour the personal morality of the physician and to honour the patient's need for services that are in the best interests of that patient's health or well-being.

To respect the physician's fundamental right of freedom of conscience and religion requires that they be free from providing a service that would, unequivocally, result in the death of a patient.

We have reviewed the College of Physician and Surgeon's draft statement on physician assisted dying dated October 15, 2015. We appreciate the efforts of the College to protect vulnerable patients in the implementation of physician assisted suicide. We further appreciate the protection granted to physicians who have a conscientious objection to providing physician assisted suicide services.

Physicians have the right to have their rights respected. Physicians who on moral grounds, guaranteed by the Canadian Charter of Rights and Freedoms, choose not to set aside their moral convictions should not be vulnerable to punishment by the College. Physicians should not have to refer patients to members of the profession who will provide physician assisted suicide services. Furthermore, the physicians should not be put in a position where they feel compelled to give up the practice of medicine or not enter into the practice as a result of their conscientious objections.

We ask that the College continue to safeguard the right of a physician to not provide or participate in physician assisted suicide for any reason and to not refer the patient to a physician who will provide physician assisted suicide to the patient.

We ask that the College assist in providing the resources necessary to provide patients with accurate information and that such information be objective in the choices that a patient has. We further ask the College to implement educational and practice standards that ensure the patients have available to them quality palliative care at all levels of physician care. We ask the College continue to safeguard vulnerable patients through its guidelines to physicians.

We would strongly request that the College of Physicians and Surgeons for Manitoba refrain from implementing a policy that would fetter the physicians and surgeons of Manitoba from practicing their profession with their utmost integrity or would discourage talented and caring physicians from continuing in the practice of medicine or from becoming physicians in the first place.

Yours sincerely,

+Richard Gagnon
Archbishop of Winnipeg

+Albert LeGatt
Archbishop of St Boniface

+Lawrence Huculak
Metropolitan Archbishop, Archeparchy of Winnipeg

+Murray Chatlain
Archbishop of Keewatin – The Pas

+Anthony Krotki
Bishop of Churchill – Hudson Bay