

DECLARATION

The position of the Catholic Church regarding end-of-life care

The Catholic Church recognizes the need for high-quality palliative care that upholds the dignity of human life by providing effective pain management while addressing the emotional, affective, and spiritual needs of individuals. According to Catholic doctrine, human life is deemed sacred and inviolable, extending from conception to natural death.

Pope Francis recently reiterated this stance, stating, "In this regard, I think about how well hospice does for palliative care, where terminally ill people are accompanied with qualified medical, psychological and spiritual support, so that they can live with dignity, comforted by the closeness of loved ones, in the final phase of their earthly life. I hope that these centers continue to be places where the 'therapy of dignity' is practiced with commitment, thus nurturing love and respect for life." [Source](#)

Palliative care accompanies individuals and their loved ones through the end-of-life process, aiming to alleviate pain without either prolonging or hastening death. Conversely, the practice known in legal terms as "medical aid in dying" (MAID) results in the premature death of the individual. Consequently, the Catholic Church deems it an act of euthanasia, finding it morally unacceptable as a response to the suffering and distress experienced by individuals at the end of life.

History of the St. Raphael Palliative Care Home

The Archbishop, facilitated by the Œuvres de charité de l'Archevêque catholique romain de Montréal (Charitable works of the Roman Catholic Archbishop of Montreal), welcomed, encouraged, and supported, in collaboration with Catholic donors and volunteers, the transformation of the former St. Raphael the Archangel parish church in Montreal into a palliative care home with 12 beds and a day center. The project was a response to the wishes of parishioners and their late parish priest, Father Gerry Sinel, who dedicated many years of his life serving as chaplain to individuals nearing the end of life before his death in 2007.

To realize this undertaking, the Œuvres de charité de l'Archevêque entered into an emphyteutic lease, transferring the usage rights of the former church site—now appraised at nearly \$10 million—to the community organization established for the palliative care home project. This transfer was executed for the nominal sum of one dollar per year. In keeping with the founders' intentions, as well as our Catholic beliefs and values, the Œuvres de charité de l'Archevêque explicitly stipulated in the lease that the former church should exclusively serve the mission of providing palliative care, and "medical aid in dying" should not be administered on the premises.

At the time of signing the lease in March 2016, the Act respecting end-of-life care and other legislative provisions allowed palliative care homes the choice of deciding whether to administer "medical aid in dying" on their premises or not.

The St. Raphael Palliative Care Home and Day Centre commenced its operations in 2019, delivering free, high-quality palliative care. An agreement signed in the same year with the CIUSSS West-Central Montreal stipulates, among other terms, that if an individual requests and qualifies for "medical aid in dying," their preferences will be honoured, and they will be promptly transferred to a CIUSSS facility.

The Change in Law and Its Impact

To our profound dismay, the amendment to the Act respecting end-of-life care and other legislative provisions, SQ 2023, c. 15 (the new Act), effective since December 7, 2023, has regretfully prohibited palliative care homes from excluding "medical aid in dying" from their services.

A consequence of this new law is that actions we find morally unacceptable may now occur on our property. By amending the law, the State is de facto undermining the intentions of the founders and donors, as well as the mission of the former church that we graciously offer to a community organization.

In essence, the Appeal is simply seeking permission for palliative care homes, similar to health professionals, to "refuse to administer medical aid in dying based on their personal convictions and [to] refuse to participate in its administration for the same reason."

We strongly believe that by mandating all palliative care homes to provide "medical aid in dying" without considering their mission, values, and the support of their community, the new law significantly undermines the exercise of the right to freedom of religion and conscience, as well as the right to the peaceful enjoyment and free disposal of one's property, guaranteed by the Canadian Charter and the Quebec Charter.

Palliative care homes, given that they operate as community organizations and not public institutions, should retain the ability to define their own mission and the services they are willing to offer, as was the practice until recently.

Hence, the Œuvres de charité de l'Archevêque catholique romain de Montréal felt morally compelled to submit an application to the Superior Court to ensure the respect of its fundamental rights.