

Dear Members of the Standing Committee on Justice and Human Rights,

The eyes of the world are on Canada with respect to the issue of medically-assisted dying. Here is our chance to show that we are a society both just and compassionate.

Bill C-14, as it now stands, is neither just nor compassionate. It does not reflect the wishes and needs of the majority of Canadians, nor does it protect their rights under the Canadian Charter of Rights and Freedoms.

On February 24th 2015, shortly after the Supreme Court of Canada handed down its unanimous decision supporting medically-assisted dying, Mr. Justin Trudeau rose in the House of Commons to make two statements. (Hansard-178)

“I believe the Supreme Court made the right decision and that our laws must be consistent with its ruling because that is the right thing to do.”

Bill C-14 is NOT consistent with the Court’s ruling and should be amended to fully comply with that ruling.

“I move that a special committee be appointed to consider the ruling of the Supreme Court; that the committee consult with experts and Canadians and make recommendations for a legislative framework”.

Bill C-14 disregards many of the patient-centered recommendations for a legislative framework submitted by the Parliamentary Joint Committee, and should be amended to align with those recommendations.

1. ELIGIBILITY CRITERIA:

(a) This bill restricts access to the terminally ill, and thus condemns countless Canadians suffering with a grievous and irremediable medical condition - which may not be terminal but which nevertheless causes intolerable suffering – to a future they dread.

Where is the justification for a bill under which Kay Carter, the woman at the very heart of the Supreme Court's decision, would not qualify for access?

(b) This bill further restricts access to those with a physical medical condition. Patients suffering intolerably from mental illness, for which there is no treatment that is acceptable to them, are thus denied access.

The physician has a duty to assess competency, but it is for the patient to assess the magnitude of suffering, regardless of cause.

(c) There is no provision for a staged inclusion of mature minors.

I am a retired health care provider and my experiences working in a hospital environment have shown me that medically fragile children, who have endured numerous invasive procedures and lengthy hospital stays over a long period of years, and who are aware they are facing a similar future, frequently demonstrate a maturity far beyond that of their healthy peers.

Eligibility should be decided by competence and not chronological age.

2. ADVANCE CONSENT:

I have for several years held information sessions on the importance of advance care planning, so that wishes for treatment, or non-treatment, are clearly set down for the guidance of health care providers. By far, the greatest concern shown by participants was on how to avoid being maintained in a demented condition, against their express wishes. I could only answer that, as the law then stood, we had no protection. Now is the time to craft a bill that provides such protection by respecting advance consent to a medically-assisted death under conditions clearly specified by the patient.

Requests made by a competent person who then becomes incompetent should be complied with, including incompetency as a result of dementia.

3. MANDATORY WAITING PERIOD:

Patients who have come this far in the process towards an assisted death have had numerous opportunities for reflection before making the decision to proceed. Once assessed and approved for access, it is both cruel and senseless to insist that they continue to suffer for a set period of time.

This is not a matter for the courts. It is for the patient to decide and the physician to agree. If the criteria have been met, a medically-assisted death should then be provided with minimum delay.

Finally:

Bill C-14 is not a patient-centered bill.

In view of the Supreme Court's unanimous ruling, followed by the Report of the Parliamentary Joint Committee, concerned Canadians expected more and deserve better.

Thank you for considering this brief.

Katherine M. Svec.

30th April 2016.