



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION No.: **421-01104**

BY: **MR. RANKIN (VICTORIA)**

DATE: **FEBRUARY 6, 2017**

PRINT NAME OF SIGNATORY: **THE HONOURABLE JODY WILSON-RAYBOULD**

Response by the Minister of Justice and Attorney General of Canada

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

Medical assistance in dying

ORIGINAL TEXT

REPLY

This Petition calls on Parliament to amend the *Criminal Code* by eliminating the eligibility criteria for medical assistance in dying that requires that natural death be reasonably foreseeable, in order to permit access for all competent and consenting adults who have a grievous and irremediable medical condition that causes them enduring and intolerable suffering.

Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, came into force on June 17, 2016. It amended the *Criminal Code* to permit medical assistance in dying in accordance with specific eligibility criteria and robust safeguards. The legislation was informed by extensive consultations with individuals, groups, and experts from Canada and around the world, including through the External Panel on Options for a Legislative Response to *Carter v. Canada* and the Special Joint Committee on Physician-Assisted Dying. It gives capable adults who are on an irreversible decline towards death, and are intolerably suffering from a grievous and irremediable medical condition, the choice of a medically assisted death.

The criteria requiring that an individual's natural death be reasonably foreseeable was carefully crafted to provide maximum flexibility to medical and nurse practitioners when assessing the overall medical circumstances of a patient. It expressly states that no specific prognosis is required, and is clearly not limited to individuals whose deaths are

imminent or even expected in the short term. It therefore extends eligibility both to those with fatal diseases that progress rapidly and linearly, and to those with conditions that deteriorate unpredictably over a longer period of time.

Making medical assistance in dying available to individuals whose death has become reasonably foreseeable was a deliberate choice made to protect vulnerable persons and to avoid encouraging negative perceptions about the quality of life of elderly, ill or disabled persons, which could occur if federal legislation were to legitimize death as a solution to these life circumstances. A careful balance is required between the interests of those who might wish to seek medical assistance in dying, and those who feel that the current law provides important protection. For instance, a number of national disability rights groups expressed concerns about the potential negative impact on social or medical perceptions about the quality of life of disabled people if the law granted eligibility based solely on the fact that a person is disabled and suffers as a result. In part due to concerns such as these, the legislation affirms the equal value of every person's life.

The requirement that death be reasonably foreseeable is also crucial to maintain suicide prevention efforts, to uphold suicide prevention as an important public policy, and to avoid promoting death as an appropriate solution to suffering in society more generally. This approach makes medical assistance in dying available to give Canadians who are facing a poor quality of death a choice about how they die, but continues to emphasize other forms of care for those who are suffering during life. It achieves the right balance for Canadians between respecting autonomy and choice on the one hand, and protecting the interests of vulnerable persons and society as a whole on the other.