

# **An Amendment to Ensure the Rights of Persons with Disabilities: Bill C-7**

**Brief Submitted to**

**The Standing Committee on Justice and Human Rights**

**By**

**Inclusion Canada**



## Bill C-7: The Keystone Amendment

### Introduction

The national disability community has numerous objections to Bill C-7<sup>1</sup>, but one fundamental amendment to Bill C-7 is vital: an end-of-life criterion must not be removed.

By providing MAiD beyond end of life circumstances to Canadians with disabilities, Canada would signal that these Canadians are expendable and threaten their lives, dignity and belonging. For persons with disabilities, it would promote an end to an otherwise open-ended span of life. No other Canadian group, irrespective of the suffering of its members, is considered expendable because of its personal characteristics.

An end of life criterion provides persons who are dying (including those with disabilities) the choice of a painless death while ensuring that the lives of all Canadians are deemed essential. It does so without undermining the fundamental principle animating Canada's *Criminal Code* prohibitions against homicide: i.e., that all lives have equal value and require equal protection in law.

### The Amendment

**Remove clause 1(1) of Bill C-7, which repeals the requirement in the *Criminal Code of Canada* that to be eligible for MAiD a person's natural death must be reasonably foreseeable.**

**The clause is a central piece of the bill in its current form and, therefore, further adjustments will be required throughout the remaining provisions.**

Without this amendment, Bill C-7 will signal to people with disabilities that unlike other people who suffer (and whose suffering is treated as a crisis situation worthy of mobilization, intervention, and support), their lives are not worth living. Bill C-7 will be subject to constitutional challenge because it discriminates against persons with disabilities by treating them as less capable or worthy of recognition, respect, and consideration than other Canadians.

Decisions about the constitutionality of safeguards that were enacted to protect persons with disabilities should not be resolved by one trial court in one province but rather should be referred to the Supreme Court of Canada. We would support such a reference for Bill C-7.

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<sup>1</sup> For more, see examples provided by Inclusion Canada and the Vulnerable Persons Standard: Inclusion Canada's detailed suggested amendments: <https://bit.ly/2lt6l6T> and Bill C-7 through a disability lens: <https://bit.ly/2UeKRO4> The Vulnerable Persons Standard's "Failing People with Disabilities who Experience Systemic Suffering. Gaps in the Monitoring System for Medical Assistance in Dying": : <https://bit.ly/2UroZ25> "Voices from the Margins": <https://bit.ly/36tMRYu> and Medical assistance in dying, public confidence and the lesson of the driverless car: <http://www.vps-npv.ca/blog>

## Consequential Amendments

The keystone amendment, if adopted, would necessitate consequential amendments to the following provisions of the bill. We're highlighting that these sections will require adjustments but are not necessarily advocating that they be deleted in their entirety.

- 1(7) Safeguards - natural death not foreseeable
- 2 Failure to comply with safeguards
- 4 Transitional Provision
- Preamble:
  - Remove reference to the appropriateness of no longer limiting eligibility for MAiD to persons whose natural death is reasonably foreseeable, and
  - Introduce justification for the keystone amendment in the preamble.

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*Inclusion Canada is a national federation of 13 provincial-territorial associations and over 300 local associations working to advance the full inclusion and human rights of people with an intellectual disability and their families. Inclusion Canada leads the way in building an inclusive Canada by strengthening families, defending rights, and transforming communities into places where everyone belongs.*

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