

### Independent Review to Precede any amendments

The Criminal Code of Canada was amended on June 17, 2016 to permit euthanasia and assisted suicide (Medical Assistance In Dying, or MAID) under Bill C-14,

Subsection 10 (1) of Bill C-14, which on June 17, 2016 amended the Criminal Code of Canada to permit euthanasia and assisted suicide (Medical Assistance In Dying, or MAID), requires that its provisions be referred to the Committee of the Senate, the House of Commons, or both that may be designated or established for the purpose of reviewing the provisions.

That review was to begin this past June 17.

Subsection 10 (2) of Bill C-14 states "The committee to which the provisions are referred is to review them and the state of palliative care in Canada and submit a report to the House or Houses of Parliament of which it is a committee, including a statement setting out any changes to the provisions that the committee recommends."

The purpose of the above-noted review is to examine the euthanasia law in its entirety, in contrast with Bill C-7 which seeks only to remove certain safeguards so as to expand access to MAID.

It would be a betrayal to Canadians if our federal government were to pass Bill C-7 without first fulfilling its legislative requirement to first review the law.

**Recommendation: Replace the current Bill C-7 with the independent review required review under subsection 10(1) of Bill C-14, or expand the scope of Bill C-7 to include an independent review of all of the provisions for MAID, which may include not only increasing access but also strengthening the safeguards.**

### Bill C-7 discriminates against vulnerable people

Bill C-7 discriminates against vulnerable people such as the terminally ill and those with mental or physical disabilities by treating them as if their lives have less value than those who are unaffected by such conditions. This is not hypothetical. Even under the current Act, Since June 2016 vulnerable people have been pressured to seek MAID, as demonstrated by the following three well publicized examples:

In 2017, Roger Foley, who suffers from a neurological condition, made a recording of his health-care team suggesting that he should seek MAID due to the expense of living in hospital, given that his care needs could not be met at home.

A doctor attending to Candice Eldon, a 25-year-old with a developmental disability and chronic medical problems, aggressively suggested to her mother that she should receive MAID.

Taylor Hyatt, a member of the Council of Canadians with Disabilities reported that when she had pneumonia her doctor suggested the possibility of MAID.

A person who is terminally ill would have no waiting period while a person who is not terminally ill will have a 90 day waiting period before being killed by lethal injection. Due to this inequality, if Bill C-7 is passed, the 90 day waiting period for people whose natural death is not reasonably foreseeable will eventually be struck down.

**Recommendation: Retain the ten-day waiting period as required under subsection 242.2 (3) of the Criminal Code of Canada.**

In contrast with the immediate availability of MAID in the case of terminal illness and within 90 days for those who are not terminally ill, waiting periods for many medical and psychological services exceed 6 months and can be more than a year. More than two-thirds of Canadians who are near death still have no access to basic palliative care services. These imbalances provide unequal access to and motivation for choosing MAID as compared with more expensive and less accessible life-saving and life-affirming medical and palliative care services. In 2017 an article published in the Canadian Medical Association Journal reported that Medical assistance in dying could reduce annual health care spending across Canada by between \$34.7 million and \$138.8 million (Aaron J. Trachtenberg and Braden Manns. Cost analysis of medical assistance in dying in Canada. CMAJ January 23, 2017 189 (3) E101-E105)

**Recommendations:**

**Include provisions requiring equal access to medical psychological and palliative care services for any person considering MAID, and within the same time constraints.**

**Include a provision requiring adequate funding of palliative care and disability supports.**

Preventing access to MAID for people with mental illness

The claim that Bill C-7 would prevent MAiD for people with mental illness is not accurate. MAiD is permitted for physical or psychological suffering that is intolerable to them and that cannot be relieved under conditions that they consider acceptable. Without a definition, "mental illness" is open to interpretation and could include psychological suffering that is said to be intolerable.

**Recommendation - Define "psychological suffering" and "mental illness" in a manner that excludes euthanasia for mental illness.**