



Dying With Dignity Canada
It's your life. It's your choice.

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Appearance Before the Standing Committee on Justice & Human Rights

**Bill C-7: An Act to amend the Criminal Code
(medical assistance in dying)**

November 3, 2020

Remarks by:

**Helen Long, CEO
Senator James Cowan, Chair, Board of Directors**



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Bill C-7

Justice & Human Rights Committee

Good afternoon and thank you for the opportunity to appear today. Senator Cowan and I will be sharing our time. For 40 years, Dying With Dignity Canada has been committed to advancing end-of-life rights and helping Canadians to avoid unwanted suffering. Our role is to represent the 86% of Canadians who support the 2015 Supreme Court decision in *Carter v. Canada* that struck down the prohibition on physician assisted dying. We have polled Canadians over the years, with respect to end of life issues and the results of that are largely consistent with those from the extensive public consultation which the government carried out in the spring of 2020.

In our view the experience of Canadians within the medical assistance in dying regime, which I will also refer to as MAID, established by C-14, has been overwhelmingly positive. However, that experience has found, and the results of the research conducted both by Dying With Dignity Canada and the government confirm, the need for some improvements.

We are here to speak in support of the legislative amendments put forward in Bill C-7 although we will also briefly address our concern with the Bill. The changes proposed in the Bill ensure the personal autonomy of Canadians and demonstrate compassion for the individual.

We are pleased to see the removal of the reasonably foreseeable natural death eligibility requirement which, in the words of Justice Christine Baudouin in the Truchon Decision, “infringes life, liberty and the security of the person guaranteed by Section 7 of the Charter”. Removing this clause ensures the autonomy of the individual and their choice to end their lives at the time they chose.

Jean Truchon and Nicole Gladu spoke for hundreds of Canadians who have been excluded from accessing MAID, because they were not imminently dying; those hundreds of individuals who experience constant physical pain and suffering that is intolerable to them, and who have carefully considered their decision.

Individuals like 75-year old Susan, who has suffered for thirty years with continuous pain and who, despite her compromised mobility and worsening condition has not been able to access MAID because her death is not reasonably foreseeable. We know that over 70% of Canadians support the removal of this clause.

We commend the government on the inclusion of Audrey’s Amendment, allowing waiver of the requirement for final consent for those individuals who are assessed and approved for MAID but who may lose capacity in advance of their scheduled date. This is something that 85% of Canadians support. We believe that this waiver of final consent should also be extended to those whose death is not reasonably foreseeable.

Many of you will be familiar with the story of Audrey Parker. Audrey was forced to access MAID earlier than she would have liked out of fear that she would lose capacity prior to her preferred date. As she said at the time, “...the law has forced me to play a cruel game of chicken. I would like nothing more than to make it to Christmas, but if I become incompetent along the way, I will lose out on my choice of a beautiful, peaceful and, best of all, pain-free death.”



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Sadly, Audrey's story is one we hear every day. We will be forever grateful to Audrey Parker for her advocacy and appreciate the acknowledgement of the unnecessary pain caused to individuals like her, that this amendment provides.

I will now turn to Senator Cowan to speak to our concern with Bill C-7.

Dying With Dignity Canada is concerned with the express exclusion of those with mental illness from Bill C-7 and believes this to be stigmatizing, discriminatory and likely unconstitutional. It's worth highlighting the words of Justice Baudouin in the Truchon Decision that "the vulnerability of a person requesting medical assistance in dying must be assessed on a case-by-case basis, according to the characteristics of the person and not based on a reference group of so-called 'vulnerable persons'". And that "the patient's ability to understand and to consent is ultimately the decisive factor, in addition to the other legal criteria."

Regrettably, we also hear from individuals with mental illness such as Cody, who after over twenty years of battling, feels "it should be my own moral and ethical choice to escape my unbearable suffering by the way of MAID".

We strongly believe that the five-year parliamentary review of the MAID legislation and the state of palliative care, planned to begin in June 2020, should commence as quickly as possible following the passing of Bill C-7. And more specifically, we expect that the three areas identified for further study in C-14 and addressed in the Canadian Council of Academies reports; advance requests, mental illness, and mature minors, will be fully considered.

From our perspective, the most pressing of these three areas is that of advance requests, something that 85% of Canadians support, as confirmed by both our own research and the government's consultation. People like Ron, an 80-year old man with dementia who wants to decide today to access MAID when his request specifies, regardless of his capacity at that time. As the law now stands, Ron and others like him, cannot ask for an assisted death in advance and may not be competent to ask for it later. Today over half a million Canadians live with dementia – there is no place for them in our current legislation.

Thank you for your time and attention. We would be happy to address any questions you might have.