

Critics pan proposed changes to Canada's assisted-suicide law

The federal government's proposed changes to assisted suicide will eliminate the requirement that a person's death be reasonably foreseeable, but the government will not open up the system to the mentally ill at this time.

The changes introduced Feb. 24 as Bill C-7 essentially create two categories for those seeking assisted suicide, depending on whether the death is "reasonably foreseeable" or not.

Among the proposed changes are eliminating the 10-day "reflection period" after requesting assisted suicide for those whose death is "reasonably foreseeable" and eliminating the need for the patient to give final consent. In cases where death is not "reasonably foreseeable," there would be a 90-day period to assess all alternatives to relieve suffering and two independent practitioners would have to approve the procedure.



David Lametti

"The proposed amendments aim to reduce suffering, while also supporting individual autonomy and freedom of choice," Federal Justice Minister David Lametti said of the bill that makes amendments to the law so that it falls in line with a September 2019 Quebec court decision that ruled the "reasonably foreseeable" death requirement was too restrictive.

Cardinal Thomas Collins called the bill “a new chapter of death on demand.”

“Canada has cast aside restrictions at a far quicker pace than any other jurisdiction in the world that has legalized euthanasia,” he said in a statement.

Collins also criticized the government for not creating more access to quality palliative care and urged Canadians to contact their MPs to voice concerns.

Collins noted the new legislation is being introduced before the mandated five-year review of the legislation even takes place this summer, a point echoed by Euthanasia Prevention Coalition (EPC) executive director Alex Schadenberg.

“The government should wait before amending the law. In June 2020, the government will begin its consultation on five years of euthanasia in Canada,” Schadenberg said.

He said that the elimination of the “reasonably foreseeable” requirement does open the door to assisted suicide for people who may want an assisted death for solely psychological reasons in the future.

“A person didn’t qualify for euthanasia based on psychological reasons alone since the law required that a person’s ‘natural death be reasonably foreseeable’ but since the Quebec court struck down this requirement, the law now permits euthanasia for psychological reasons,” Schadenberg said, adding that “Bill C-7 pretends to prevent euthanasia for psychological suffering.”

The government’s proposed bill eliminates the need for final consent for those whose death is reasonably foreseeable but “who may lose capacity to consent before MAiD can be provided,” but it also states that it excludes “eligibility for individuals suffering solely from mental illness.”

The government does concede that future changes to the law could include the mentally ill following the five-year review.

“Other important questions relating to MAiD in Canada – such as advance requests for persons newly diagnosed with a condition that could affect their decision-making capacity in the future, eligibility for persons suffering solely from mental illness and eligibility for mature minors – could be considered during a broader parliamentary review of MAiD legislation expected to begin by June 2020,” a statement from the Ministry of Justice said.

The issue of opening euthanasia to the mentally disabled has also been considered in Quebec where the provincial government is changing its assisted suicide rules to line up with what is known as the Truchon decision. While the Quebec government will make its changes by March 11 as the Quebec court ruling mandated, it has backed away from allowing people suffering from dementia and other mental health issues until there is further discussion.

The federal government has asked for a four-month extension of that March deadline to make the federal changes.



Alex Schadenberg

The EPC's Schadenberg said it is likely that at least one aspect of what the federal government is proposing will end up being struck down by the courts.

"The government is wrong to create a two-tier euthanasia law," he said.

"A future court decision will likely strike down the 90-day waiting period for people who are not terminally ill because this provision represents an inequality within the law," he said.

The faith-based think tank Cardus is also critical of what the federal government is proposing in Bill C-7, calling it a one-sided expansion of eligibility for assisted suicide and slamming the proposal for not protecting the conscience rights of health workers.

"Bill C-7 is unbalanced with its heavy emphasis on expanded access to medical aid in dying (MAiD) without an equal measure of concern for improved guidelines and safeguards," said Cardus executive vice-president Ray Pennings.

"The UN Special Rapporteur on the Rights of People with Disabilities called on Canada last April to investigate cases of coerced MAiD and to improve protection for vulnerable people who do not want a doctor to end their lives. Yet we've seen no action in response to this call.

"The bill also doesn't take protection of conscience rights seriously. Conscience rights are Charter rights. The federal government has a responsibility to protect all Canadians' Charter rights – including the rights

of medical professionals not to participate in MAiD in any way and the rights of hospices and other institutions not to cause the deaths of people in their care," he said.