

Federal government under pressure to expand euthanasia law, advocates say

The Liberal government has promised to study three reports on possible expansion of the euthanasia law the Council of Canadian Academies (CCA) submitted in mid-December.

Alex Schadenberg, executive director of the Euthanasia Prevention Coalition, warns the government is under pressure by the euthanasia lobby to expand the law, and will likely do so after the 2019 election.

[Canada's national palliative care framework](#) has endorsed the World Health Organization (WHO) definition which states palliative care should "neither hasten or postpone death."

But the independent, multi-disciplinary CCA panel studied whether to expand access to euthanasia: for "mature minors;" for those who had made advance requests (AR) for euthanasia should they become incompetent; and for those who suffer from mental disorders with no underlying physical condition making their death reasonably foreseeable.

"The results of these three independent reviews will help to inform dialogue on the issue of medical assistance in dying among Canadians and decision-makers," said Justice Minister Jody Wilson-Raybould, who tabled the CCA reports in the House of Commons in a joint statement with Health Minister Ginette Pettipas Taylor. "Given the complexity and sensitivity of these topics, it will be important to take the time necessary to consider the evidence presented in the CCA's reports."

"My position is the Liberals do plan to expand the euthanasia law and Dying with Dignity is pressuring hard on the issue of advanced requests," said Schadenberg. "I also see them expanding it to children."

"It seems like they are trying to walk the line, just sort of put out the information and not really take the position," said Amy Hasbrouck, a disability rights expert who heads Toujours Vivant/Not Dead Yet, an advocacy group for the disabled community, one that is most vulnerable to euthanasia.

"I don't know if they're going to go ahead with the proposed expansion," Hasbrouck said. "The media is putting a lot of pressure to go ahead with levels of expansion."

Hasbrouck noted the new government of Quebec has indicated it will expand the Quebec law to include advanced directives. As well, there is ongoing litigation at the federal and provincial level that would "dispense with the idea you have to be at end of life, for death to be "reasonably foreseeable," she said.

There is also pressure for euthanasia of children, "oddly enough coming from the parents of children with disabilities," she said, referring to a study done by the Canadian Pediatrics Society that showed most requests for the euthanasia of children under 17 came from the parents not from the children themselves.

Hasbrouck expressed disappointment there was not more representation on the CCA panel from the disabled community, though *Toujours Vivant* did make a submission, but was the only one to come from the disabled community.

"Since disabled people make up 15 per cent of population and virtually everyone who asks for and receives euthanasia has some kind of disability," whether long term or recently acquired due to illness or old age, "it's pretty important that disabled voices need to be represented in that panel."

"They weren't and mode of providing input for communities providing submissions was not very robust," she said. First Nations perspectives were also missing.

Schadenberg said he is glad the CCA reports were not consensus reports, but reflected the wide divergence of opinion on the various questions.

The CCA report offered pro-and con arguments for child euthanasia, with no clear direction, says Schadenberg.

"The fact that only two jurisdictions allow MAID for minors, and that cases remain extremely rare within those jurisdictions, means little is known for certain about the practice," said a 62-page summary of the lengthy reports.

The report on advance requests (AR) advised more study. "Uncertainty about how to approach an AR for MAID increases if the person who has lost capacity appears indifferent to receiving MAID, expresses a desire to continue living, or physically or verbally resists the MAID procedure," the summary said.

The CCA report on euthanasia for those with mental disorders alone also featured pro-and-con arguments, acknowledging the contentious nature of the issue, but warned if Canada were to allow it, based on the current "Medical Aid in Dying's (MAiD) subjective assessment of intolerable suffering, "it could become the most permissive jurisdiction in the world with respect to how relief of suffering is evaluated."

"On the issue of mental illness, I can see them hesitating on that one," Schadenberg said, noting that in order to allow it, the law would have to remove the section of the law that says death must be "reasonably foreseeable."

But like Hasbrouck, Schadenberg is concerned expansion of the law could come through the courts.

The safeguard of "reasonably foreseeable" is already under challenge in the courts, he said, though the Supreme Court of Canada recently declined to speed up the case of Julia Lamb, a B.C. woman with spinal muscular atrophy who is not terminally ill, yet wants the ability access euthanasia.

Schadenberg is also concerned there may be a court challenge for children based on equality provisions of the charter, though as long as euthanasia remains a carve out in the Criminal Code, age restrictions like those for drivers' licenses may hold. Quebec's euthanasia law, however, considers it "health care" where equality provisions could be argued, he said.

Even without expansion of euthanasia, new statistics out of Quebec for the present regime show troubling numbers, according to a study done by Toujours Vivant.

Quebec demands euthanasia deaths be reported both by institutions and regions as well as by the individual doctor. However, Toujours Vivant found the institutions reported 845 deaths for the reporting period from July 1, 2017 to March 31, 2018, but doctors submitted only 708 forms, including five for deaths from previous years. That leaves a discrepancy of 142 deaths for the period.

"They don't comment on the discrepancy," Hasbrouck said. The commission examining the data said 90 per cent of the cases fit the criteria for the law, but 10 per cent do not. In seven per cent of the cases, there is no information about compliance, she said. In three per cent, the people "simply weren't eligible," and in two instances, the doctor administering the drug "only met the person on the day of the euthanasia."

"At least Quebec provides this information," Hasbrouck said, noting that there is no such data for the rest of Canada on whether guidelines are being followed.

"We have no idea what's going on because they are not providing information in a way for us to know," Hasbrouck said.