

BILL C-7

Expansion of Euthanasia in Canada



WHERE WE ARE AND HOW WE GOT HERE

By William Mathie

In its Carter decision of February 2015, Canada's Supreme Court threw out Canada's long-standing law that prohibited helping another person to commit suicide. The Court ruled that assistance in committing suicide or active euthanasia was the right of those suffering pain that was to them intolerable for which there was no remedy that they regarded as acceptable. The Court did not call the action it justified assisted suicide or euthanasia. The Court preferred to call both "Medical Assistance in Dying," though many doctors insisted that they had always helped their patients who were dying with various palliative measures. The Court also ruled that death did not need to be imminent to justify the help that they claimed was everyone's right. The Court recognized that legalizing euthanasia might lead to abuse or coercion of the vulnerable, and granted Parliament a limited amount of time to devise a reasonable legal framework.

BILL C-14 LEGALIZES EUTHANASIA IN CANADA



In June 2016, Parliament passed Bill C-14 to authorize euthanasia and assisted suicide at the hands of doctors and nurse-practitioners while claiming also to prevent its abuse. Bill C-14 called for a waiting period between the request for euthanasia and the carrying out of the request. The new law required that patients clearly indicate that it was still their wish to be euthanized when the request was carried out. The law also required that the request be in writing if possible, witnessed by two individuals who were not in charge of the care of those making the request, and that two medical caregivers approve the request. Finally, eligibility for euthanasia or assisted suicide was to be restricted to those whose natural death was reasonably foreseeable.

Bill C-14 did not allow euthanasia for “mature minors,” as some had hoped. Nor did it permit “Advance Directives” whereby a patient could authorize euthanasia at some future time after that person had lost the capacity for consent to the procedure.

The new law called for a review in five years , i.e in June 2021, that would assess the operation of the law and access to palliative care and consider possible revisions to the law. Parliament also claimed, as had the Supreme Court, that the conscience rights of doctors and nurse practitioners would be respected. Subsequently in fact, the Ontario College of Physicians and Surgeons told doctors they must kill their patients when requested to do so or send them to someone who would.

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EXPANDING ELIGIBILITY FOR EUTHANASIA



BILL C-7 MAKES IT POSSIBLE FOR SAME-DAY DEATH ON DEMAND

In 2019, Canada's Justice Minister David Lametti announced his intention to proceed at once with changes to the law that would expand eligibility for euthanasia and remove some of its safeguards. Lametti justified what he was doing as a response to the decision by a Quebec Court that Bill C-14's requirement that natural death be "reasonably foreseeable" was unconstitutional in light of the Supreme Court's Carter decision.

Lametti did not defend the law Parliament had enacted in 2016 after the Quebec court decision, as he was urged to do by the former Justice Minister and Health Minister who had authored the 2016 law. He ignored their claim and the claim of others that doctors generally approved the "reasonably foreseeable" death requirement. Nor did he wait for the review that would have commenced in June 2021 as stipulated in the 2016 law. Instead Lametti proposed a new MAiD law to expand euthanasia still further. Bill C-7, an Act to Amend the Criminal Code (medical assistance in dying) was introduced into the House of Commons by Minister of Justice David Lametti on February 24, 2020.

**BILL C-7
INTRODUCED
IN HOUSE OF
COMMONS
FEBRUARY 2020**



MINISTER DAVID LAMETTI

BILL C-7 WILL ALLOW EUTHANASIA FOR MENTAL ILLNESS IN 2023



REMOVING SAFEGUARDS

Bill C7 removes the "reasonable death" requirement and the 10 day waiting period before euthanasia. For those not dying, patients must wait until after a 90 day period of assessment before being put to death. Patients whose death is reasonably foreseeable can be euthanized on the same day they make the request. There is strong evidence that those requesting euthanasia have often changed their mind during the 10 day waiting period under the old law.

Further, Bill C-7 allows for advance directives, making it possible for a medical practitioner to proceed with euthanasia when a patient is no longer capable of indicating whether they still want to be euthanized. Our new law also reduces the requirement that two persons, who are not the requester's caregivers, witness requests for euthanasia. Only one witness is required by our new law and that witness can be the requester's caregiver.

Bill C-7 as originally drafted included one provision that would limit the expansion of euthanasia in Canada. The Bill as brought to our House of Commons excluded requests for euthanasia where the only basis for the request was psychological. This exclusion probably reflected the almost universal opinion of psychologists that mental disorders are never "irremediable" and that suicidal impulses are a very common feature of psychological disease. On the other hand, the Justice Minister himself indicated his own preference for allowing euthanasia for suffering that was entirely psychological in character.

"Bill C-7 allows those who are not dying to end their lives by a lethal injection at the hands of a doctor or nurse practitioner. Shockingly, most of the safeguards that Parliament deemed necessary in 2016 to protect the lives of vulnerable individuals from a wrongful death have been removed."

-excerpt from Physicians Together with Vulnerable Canadians



CALL FOR REVIEW OF MAID: 2021



A TERRIBLE TRAGEDY

In any case, when the Bill as passed by the House went to our Senate it was amended to allow for the removal of this exclusion in 18 months. When the Bill returned to the House for final approval, the Senate's amendment was accepted with one modification: the exclusion of strictly psychological suffering as a justification for euthanasia was to end in two years.

Many have argued that making psychological suffering a sufficient condition for euthanasia and accepting the principle adopted by our Supreme Court that we cannot question the subjective feeling of those who ask for euthanasia, that their suffering is intolerable, will make Canada's euthanasia policy the most expansive in the world.

Is this development inevitable, and how much and why does it matter? Many of us will know, or know of, someone who has committed suicide. For that person's family and for the wider community, this must always be a terrible tragedy. Under Bill C-7, as a society, we abandon efforts to offer supports to prevent these tragedies and move in the opposite direction.

What begins as a right of the autonomous individual becomes a terrible invitation and temptation for the suffering—the old and disabled—to remove the “burden” of caring from those around them. Is this euthanasia policy inevitable? A glimmer of hope may be found in one provision of the law Parliament has passed. Bill C-7 calls for a review of Medical Assistance in Dying to begin almost at once and to report in 60 days after it is created. So we have an opportunity—perhaps a last chance-- to halt or even reverse the expansion of euthanasia in Canada.

Critics have observed that the inclusion of mental illness extends euthanasia in Canadian law beyond the limits adopted by any other country.

