Bill C-7 must limit MAID to the end of life

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In 2016, Canada passed a law to legalize euthanasia and assisted suicide for patients whose natural death was "reasonably foreseeable." In 2019, that requirement was struck down by a lower court in Quebec. The federal government did not appeal this decision. The requirement of a reasonably foreseeable death will no longer be in effect in Quebec as of July 11, 2020.

A federal bill introduced on February 24, Bill C-7, proposes to remove the requirement across Canada that a person's death must be reasonably foreseeable to be eligible for euthanasia/assisted suicide. The bill sets out conditions for ending the lives of those who are *not* dying, those whose death is not reasonably foreseeable.

For those whose death *is* reasonably foreseeable, the bill removes key safeguards such as the 10-day reflection period between the request and the time of hastened death, the ability to consent at the time of death in some circumstances, and the requirement to have two independent witnesses to the request.

Bill C-7's changes would mean people with chronic illnesses or disabilities who are not dying would be eligible to have their lives ended by euthanasia or assisted suicide.

The principle "nothing about us without us" means policies should not be decided without the full and direct participation of those most affected. Policy changes that significantly impact people with disabilities must heed their perspectives, their experiences and their expertise.

Disability advocacy groups and people with disabilities are very concerned about the impact of this change in the law. As Catherine Frazee, professor emerita at Ryerson University, has said,

> To reinvent MAID so that it is no longer an alternative to a painful death, but for some, instead, an alternative to a painful life, is to embrace uncritically the notion that suffering associated with disability is a burden greater than death.

Members and supporters of the disability community, such as the Council of Canadians with Disabilities, wrote an open letter to the Justice Minister after the *Truchon* decision (Oct. 4, 2019), saying:

> Without the equalizing effect of the end-of-life criterion, which guarantees that the common thread between all persons who access an assisted death in Canada is that they are all dying, persons with disabilities will be able to gain access ultimately because they have a disability. A

> worse stereotype couldn't be institutionalized in law – that disability-related suffering, largely caused by lack of support and inequality, justifies the termination of a person's life.
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> Canada must avoid sending a message that having a disability is a fate worse than death. Canadians with disabilities are already bombarded daily with reminders that they are unwelcome and under-valued. We must not compound this harm by entrenching in law the message that others who share their condition will receive our full support if they choose to die prematurely.
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> …By offering medical assistance in dying to persons with disabilities on the basis of disa-bility, Canada would be further violating international law. If every Canadian who suffers cannot access a medically assisted death, and yet a Canadian who suffers and has a degenerative disability can, it is precisely their disability status that sets them apart.

This is a matter of equal protection under the law. This discrimination on the basis of disability violates the equality rights of Canadians with disabilities.

The UN Special Rapporteur on the rights of persons with disabilities states in a report on her April 2019 visit to Canada:

> The Special Rapporteur is extremely concerned about the implementation of the legislation on medical assistance in dying from a disability perspective. She has learned that there is no protocol in place to demonstrate that persons with disabilities deemed eligible for assistive dying have been provided with viable alternatives.

As University of Toronto Professor Trudo Lemmens writes,

> In the absence of a more objective end-of-life criterion, "unbearable suffering" will become the litmus test for determining whether someone gets MAID. But suffering is shaped by the legal, social, familial and health care context around us, and by health care providers' perceptions of the quality of a life with disabilities.
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> We should also assess problems with our current MAID regime and strengthen safe-guards for all, including persons with disabilities. This should include a more precise, objective end-of-life-style criterion. If it has doubts about the constitutionality of safe-guards, government should submit a stronger law for reference to the Supreme Court.

Parliament can and should introduce an alternative end of life requirement in Bill C-7. It is the duty of Parliament to enact legislation that will not discriminate against Canadians with disability or chronic illness, nor put their lives in danger.

As a woman with disabilities told EFC staff, "**Our lives are on the line**."