

**Draft Legislation – 7 July 2015**

First Session, Forty-second Parliament,  
63-64 Elizabeth II, 2015-2016

**STATUTES OF CANADA 2016**

**CHAPTER \_\_\_\_**

Bill C-\_\_\_\_ An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in *Carter v. Canada (Attorney General)*

*Preamble*

Whereas it is Parliament's duty to protect human life and uphold the inviolable right to life of all human beings;

Whereas the Parliament of Canada has grave concerns about the inherent risks that a legalized euthanasia or assisted suicide regime pose to the lives of vulnerable people;

Whereas the Parliament of Canada recognizes the devastating social harm caused by the normalization of suicide and the legalization of assisted suicide and euthanasia;

Whereas legalizing physician-assisted suicide and/or euthanasia would corrupt the practice of medicine and the doctor-patient relationship;

Whereas it is of utmost importance, by discouraging suicide, to protect the inherent human dignity and value possessed by each Canadian person by reason of everyone being a member of the human family, regardless of disease, disability or discomfort;

Whereas certain judges have failed to appreciate overwhelming social scientific evidence on the inherent harms and unacceptable risks to the lives of vulnerable, disabled, elderly and sick Canadians when euthanasia and assisted suicide are legalized;

Whereas comprehensive reviews of all other jurisdictions that have legalized assisted suicide and/or euthanasia prove that assisted deaths continue, and even increase, in the face of evidence that legislated safeguards are ignored;

Whereas there is no reason to believe that Canada would be any different should euthanasia or assisted suicide be legalized;

Whereas legalizing euthanasia and assisted suicide will result in a two-tiered justice system, providing robust Criminal Code protections for the lives of able-bodied persons, but weak Criminal Code protections for the lives of people with disabilities and illnesses;

Whereas striking down the Criminal Code provision denying the right to consent to have another end your life, but only limiting that nullification to those who are suffering or disabled, is a shocking and discriminatory value statement about the life and worth of people with severe disabilities, pain or illness;

Whereas the Parliament of Canada rejects the proposition that the deaths of some innocent, vulnerable people in a legalized euthanasia regime is an acceptable balance to allow others the freedom to have unhindered assistance in committing suicide at a convenient time and place;

Whereas the Parliament of Canada has conducted holistic, in-depth, cross-partisan studies, hearing from all segments of society on the ethical, moral, legal, philosophical and policy implications on the issue of legalizing assisted suicide and euthanasia and, having studied the issue more thoroughly than a court can or ever has, concluding that only an absolute prohibition on allowing some people to kill other people, absent self-defence, can adequately and equally protect the lives of all Canadians;

Whereas the Supreme Court of British Columbia and the Supreme Court of Canada failed to give any meaningful recognition of the votes of Parliament at different times in the last two decades, comprising clear, direct, cross-party votes against the legalization of euthanasia and assisted suicide;

Whereas section 91 of the *Constitution Act, 1867* gives exclusive authority to Parliament to make laws in relation to the Criminal Law;

Whereas that same section of the Constitution precludes judges at any level of court to legislate their social preferences from the bench;

And whereas section 33 of the *Canadian Charter of Rights and Freedoms* provides Parliament the constitutional authority to remedy a policy change by the courts, notwithstanding their interpretation of various sections of the *Canadian Charter of Rights and Freedoms*;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

*Short title* 1. This Act may be cited as the *Restoring Full and Equal Protection of Vulnerable Canadian Lives Act*.

R.S., c. C-46

### CRIMINAL CODE

R.S.C. 1970,  
c. C-34, s.14

**2. Section 14 of the *Criminal Code* is amended by adding the following:**

*Charter override*

**14.1** Section 14 operates notwithstanding the interpretation by the Supreme Court of Canada of provisions of section 7 of the *Canadian Charter of Rights and Freedoms*, Part 1, *Constitution Act, 1982*, Schedule B to the *Canada Act, 1982*, (U.K.) 1982 c11.

R.S.C. 1970,  
c. C-34, s. 224;  
R.S.C. 1985, c. 27  
(1<sup>st</sup> Supp.), s.7(3)

**3. Section 241 of the Act is amended by adding the following:**

*Charter override*

**241.1** Section 241(b) operates notwithstanding the interpretation by the Supreme Court of Canada of provisions of section 7 of the *Canadian Charter of Rights and Freedoms*, Part 1, *Constitution Act, 1982*, Schedule B to the *Canada Act, 1982*, (U.K.) 1982 c11.

### REVIEW AND REPORT

*Review*

**4. (1) Within four years after this section comes into force, a comprehensive review of the provisions and operation of this Act shall be undertaken by a joint committee of Parliament as may be designated or established by Parliament for that purpose.**

*Report*

**(2) The committee referred to in subsection (1) shall, within six months after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to the Speaker of the House of Commons and the Speaker of the Senate, including a statement of any changes the committee recommends.**

### COMING INTO FORCE

*One day after  
royal assent*

**5. The provisions of this Act come into force one day after the day on which this Act receives royal assent.**