



Amending Canada's MAiD Law to Protect Vulnerable Canadians

A Submission from the Association for Reformed Political Action (ARPA) Canada

to

the Special Joint Committee on Medical Assistance in Dying

regarding

Statutory Review – Medical Assistance in Dying

May 2, 2022

With the legalization and expansion of assisted suicide and euthanasia, an increasing number of Canadians have serious questions and concerns about how to fully protect the lives of vulnerable Canadians. A critical review by this Committee must ensure that Parliament protects vulnerable people by combatting ableism and properly defining reasonable foreseeability of natural death.

Ableism

A person who no longer possesses capabilities that society deems necessary for sufficient “quality of life” may be eligible to access euthanasia. As a result, Parliament has given medical professionals the ability to make value judgments about whose life is worth living and whose is not. This creates a value divide, based on harmful and ignorant stereotypes, between able-bodied Canadians who deserve suicide *prevention*, and disabled Canadians who are offered suicide *assistance*.

This shift also has cultural impacts, as those who qualify for MAiD may feel the need to justify their life. Medical providers and patients may begin to see the sick or disabled as a drain on resources and a burden to society if they continue living. Presenting suicide as an option for addressing disability hinders access to appropriate services and supports and encourages Canadians with disabilities to access assisted suicide instead.

Just this year, a 51- year-old woman who had a severe sensitivity to chemicals received MAiD after failing to find housing free of cigarette smoke and chemical cleaners. Eight days before her death in February 2022, she said, “The government sees me as expendable trash, a complainer,

useless...”¹ Disability is challenging, but there are many ways that Canadians with disabilities can still live a valuable, dignified life. Canadian society and government have a duty to ease our fellow citizens’ suffering by providing adequate supports rather than devaluing their lives and offering MAiD.

Bill C-7 created an ableist system which ignores the concerns of vulnerable groups and allows for neglect of those with disabilities who are eligible for MAiD. United Nations human rights experts expressed alarm at the push to enable access to MAiD for those with disabilities stating, “Disability should never be a ground or justification to end someone’s life directly or indirectly.”² The Vulnerable Persons Standard was signed by 147 groups and individuals, citing concerns about Bill C-7’s ableist approach and its effect that Canadians with disabilities no longer need to be protected and supported, but can be euthanized instead.³ These concerns were largely ignored by Parliament.

Recommendation:

MAiD must be decoupled from disability and reserved as an option that is strictly limited to those who are suffering at the very end of their lives. This can be done by:

- Amending the eligibility criteria in section 241.2(2) by adding “(d) a medical practitioner who is a specialist or holds a subspecialty in the condition that is causing the person’s suffering provides a written opinion that the person’s prognosis is six months or less” and
- Deleting subsection 241.2(3.1) (safeguards for persons whose death is not foreseeable).

Reasonable Foreseeability

If Parliament fails to protect against ableism through the previous recommendation, “a person whose natural death is reasonably foreseeable” must be clarified to ensure that it is consistently and appropriately applied, as it is far too broadly interpreted. At least one doctor interprets it to mean that natural death would occur up to 10 years in the future.⁴ Further, the Canadian Association of MAiD Assessors and Providers argues that the term “reasonably foreseeable” means “reasonably predictable,” and that it does not mean a person must be terminally ill or expected to die within a set period of time.⁵ This can cause patients to be placed on the fast track for MAiD instead of the slow track even if their death is not imminent. As such, these fast-tracked patients do not have adequate time to reflect on their request for help to end their life or to receive supports for a meaningful amount of time before receiving MAiD. The Canadian Society of Palliative Care Physicians argues that even a 90-day waiting period may not be

¹ Avis Favaro, “Woman with chemical sensitivities chose medically-assisted death after failed bid to get better housing,” *CTV News*, (April 14, 2022).

² [“Disability is not a reason to sanction medically assisted dying – UN experts,”](#) *United Nations*, (January 25, 2021).

³ [“Vulnerable Persons Standard.”](#)

⁴ Joan Bryden, “Experts concerned Ottawa has revived uncertainty over meaning of foreseeable death in assisted-dying bill,” *The Globe and Mail*, (March 3, 2020).

⁵ [“The Interpretation and Role of “Reasonably Foreseeable” in MAiD Practice,”](#) *Canadian Association of MAiD Assessors and Providers*, (February 2022).

sufficient for a person to receive appropriate supports needed to reduce suffering and live with dignity.⁶

Recommendation:

- “A person whose natural death is reasonably foreseeable” must be defined to mean a person whose prognosis of natural death is within 6 months, so that patients who do not fit within this timeframe can receive the supports available as alternatives to MAiD, and so that they can understand other viable options.

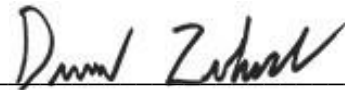
Conclusion

Since the legalization of MAiD in 2016, there have been multiple stories of abuse and concerns raised by families and loved ones of those who are eligible for MAiD or have accessed it. Parliament has a duty to protect vulnerable Canadians in need of support. We respectfully submit that the amendments recommended in this brief will address some of the many issues within the *Criminal Code* surrounding MAiD in Canada and will be a step towards further protection for vulnerable Canadians.

On behalf of ARPA Canada,



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⁶ [“Canadian Society of Palliative Care Physicians Submission to the Standing Committee on Justice and Human Rights on Bill C-7: An Act to Amend the Criminal Code \(medical assistance in dying\),”](#) October 30, 2020.