

From the CCCB

**Submission to the Standing Committee on Justice and Human Rights
by the Canadian Conference of Catholic Bishops
on Bill C-7: An Act to amend the Criminal Code
(medical assistance in dying)**

I. INTRODUCTION

The Catholic Bishops of Canada remain steadfastly opposed to Bill C-7 that further expands euthanasia and assisted suicide in Canada, which the government and courts have euphemistically called “medical assistance in dying” (“MAID”). We also remain deeply troubled and perplexed that the Federal Government chose not to appeal the Quebec Superior Court “Truchon v. Attorney General of Canada” ruling which requires the eligibility criteria for euthanasia and assisted suicide to be expanded by removing the “reasonable foreseeability of natural death” criterion. The decision by the Government of Canada not to appeal the ruling of the Quebec Superior Court prompted Bill C-7. This postponed the “parliamentary review of ...provisions [for “MAID”] and of the state of palliative care in Canada to commence at the start of the fifth year following the day on which [the Act] receives Royal Assent,” as had been determined in the original 2016 Act 1 to amend the Criminal Code. This review has yet to occur, which the Government had agreed would take place before introducing new amendments.

II. GOING BEYOND THE COURT’S RULING ON THE BASIS OF A FLAWED CONSULTATION

Bill C-7 goes far beyond the Truchon ruling by relinquishing and broadening some of the remaining and important “safeguards”. As we have previously noted,² the changes include allowing patients whose death is “reasonably foreseeable” to waive their final consent to receiving euthanasia by allowing such a decision to be made through an advance directive. This reckless expansion and that of other eligibility criteria has been justified by the Government on the basis of an online consultation which took place over a mere two weeks between 13 and 27 January 2020, which the Bishops of Canada have denounced as questionable, biased and rushed.³ The Government, in its own “What We Heard Report”, acknowledges that it received “thousands” of “form responses” that “were opposed to MAID in general” as well as other responses “opposed to MAID,” even though the question of whether Canadians agreed with euthanasia and assisted suicide in the form of “MAID” was never explicitly asked.⁴ It is essential and one would hope in a democratic country, that a

1 <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-14/royal-assent>

2 https://www.cccb.ca/wp-content/uploads/2020/05/CCCB_response_to_Bill_C-7_-_EN-1.pdf

3 <https://www.cccb.ca/announcement/federal-consultation-on-medical-assistance-in-dying-maid-eligibility-criteriaand-request-process/>

4 Department of Justice, “What We Heard Report: A Public Consultation on Medical Assistance in Dying (MAID)”, March 2020. “Summary of comments: Theme

5 - Opposition to MAID”. <https://www.justice.gc.ca/eng/cj-jp/adam/wwh-cqnae/p2.html#s2-6-5> - 2 - much more wide-ranging, objective and fair consultation of Canadians on such an important issue would be enacted without further delay.

III. NATIONAL AND INTERNATIONAL OPPOSITION TO EUTHANASIA AND ASSISTED SUICIDE

In 2019, the World Medical Association reaffirmed its long-standing policy of opposition to euthanasia and physician-assisted suicide. 5 Over 70 of Canada's leading disability rights organizations and advocates stated they were "deeply troubled" with the expansion of "MAID", and that the Quebec Superior Court's decision would "entrench stereotypes and exacerbate stigma for Canadians with disabilities".6 With even further disregard, the Government of Canada sidelined and ignored the stark apprehensions brought forward by the United Nations Special Rapporteur on the Rights of Persons with Disabilities7 concerning the implementation of "Medical Assistance in Dying" in Canada from a disability perspective. Most recently, more than 50 religious organizations and faith leaders, including Jewish, Muslim and Christians, released an open letter to all Canadians in opposition to Bill C-7.8 Likewise, similar opposition to C-7 was recently brought forward by over 900 physicians in Canada by means of an open statement9 as well as a lawyers' joint statement10 to Parliament endorsed by over 140 members of the legal community. Even with greater concern, disability-rights organizations and advocates in Canada published a public statement11 with over 80 endorsements decrying the expansion and loosening of safeguards with respect to the "Medical Assistance in Dying" legislation. Finally, in the recent annual report of the office of the Correctional Investigator (2019-2020), there is a call to the Government to enact a moratorium on MAiD (euthanasia) in prisons due to serious and fundamental concerns regarding consent, choice and dignity, coupled by grave errors, omissions, inaccuracies, delays and misapplications of law and policy. 12

IV. THE ONLY ANSWER IS GOOD QUALITY AND ACCESSIBLE PALLIATIVE CARE FOR ALL

The pastoral experience of the Bishops has shown that patients are more likely13 to request euthanasia/assisted suicide when their pain is not properly managed by good quality palliative care, when their dependence on others to provide assistance and support is not

5 <https://www.wma.net/news-post/world-medical-association-reaffirms-opposition-to-euthanasia-and-physicianassisted-suicide/>

6 <https://inclusioncanada.ca/2019/10/04/advocates-call-for-disability-rights-based-appeal-of-the-quebec-superiorcourts-decision-in-truchon-gladu/>

7 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24481&LangID=E>

8 <https://www.cccb.ca/media-release/we-can-and-must-do-much-better-religious-leaders-in-canada-denounce-bill-c7-an-act-to-amend-the-criminal-code-medical-assistance-in-dying/>

9 <https://maid2mad.ca/>

10 <https://www.christianlegalfellowship.org/billc-7>

11 <https://d2y1pz2y630308.cloudfront.net/15495/documents/2020/10/Statement%20from%20disability%20advocates%20-%20BillC-7%20MAID-EN.pdf>

12 <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20192020-eng.pdf>

13 https://www.cccb.ca/wp-content/uploads/2020/06/Letter_to_PM_Justin_Trudeau_on_expansion_of_MaID_-_31_Jan_2020_-_EN.pdf - 3 -

adequately met, or when they are socially marginalized. Palliative care, which has yet to become fully available and accessible in our own country, offers a compelling answer – the only respectful, comprehensive and ethical alternative to what the Government is trying to address through the legalization of euthanasia and assisted suicide. When sufficient emotional, psychological and spiritual support is lacking, individuals are not truly free to choose appropriate medical care or options and thus are led to having no other alternative than the tragic failure presented by euthanasia and assisted suicide. Palliative care provides the choice of a better option which is not truly accessible to all Canadians. It alleviates pain, addresses loneliness, fear, distress, and despair in a compassionate manner through the support of family and community. This choice of care and support respects the dignity of the person and recognizes that human life has an objective and transcendent value. A human person's life is not defined or limited by one's illness or one's situation in life, for each human being processes an inherent dignity from birth until natural death.

IV. THE PAINFUL LESSONS OF COVID-19

The COVID-19 pandemic has painfully revealed that fear, distress and despair are not uncommon realities among our fellow Canadians and family members in assisted living and senior residences. The Canadian Armed Forces reported “horrific conditions” in some of the long-term care facilities in which they were called to serve.¹⁴ The Prime Minister himself referred to the situation as “deeply disturbing”.¹⁵ With such a reality, how can the Federal Government in good conscience expand the eligibility to euthanasia and assisted suicide in Canada when our country is still unable to offer basic human care which respects the dignity of the elderly and dying? How can Canadians who even before the pandemic faced difficulties in accessing proper healthcare now be assured that governments will not use “MAID”, in a utilitarian approach, as a reason not to invest in palliative care nor to do more to improve our country's healthcare system? Already there are concerns and complaints from vulnerable Canadians that they are being pressured by healthcare providers and even family members to choose “MAID” as a simpler and less expensive option and in doing so become less of a burden for others.

V. THE NEED FOR CANADIANS AND INDIVIDUAL LEGISLATORS TO MAKE THEIR VOICES HEARD

The proposed legislation of Bill C-7 remains deeply flawed, unjust, and morally pernicious. The Bishops of Canada continue to call on Catholics and all people of good will to make their voices heard in opposition to this Bill. Similarly, every Canadian legislator should recall that no law that permits the taking of innocent human life can ever be morally justified. Such a law would always violate the intrinsic dignity of the human person. The recent letter Samaritanus bonus by the Holy See's Congregation for the Doctrine of the Faith clearly summarizes the position of the Catholic Church on this matter:

¹⁴ “Infestations, sedation and neglect: Military report details ‘horrific’ living conditions” by Karen Howlett, Jill Mahoney and Laura Stone, Globe and Mail, 26 May 2020 (updated 27 May 2020). <https://www.theglobeandmail.com/canada/article-infestations-sedation-and-neglect-military-report-details-horrific/>

¹⁵ Ibid. –

It is gravely unjust to enact laws that legalize euthanasia or justify and support suicide, invoking the false right to choose a death improperly characterized as respectable only because it is chosen. Such laws strike at the foundation of the legal order: the right to life sustains all other rights, including the exercise of freedom. The existence of such laws deeply wound human relations and justice, and threaten the mutual trust among human beings. The legitimation of assisted suicide and euthanasia is a sign of the degradation of legal systems. 16

VI. CONCLUSION

In unity and communion with Pope Francis, Catholics and all people of good will, we firmly support and uphold most categorically the inherent dignity of each and every human person as well as their inalienable right to life which the Government must respect and protect. Elected public officials should not avoid, step away from or delay sincere dialogue and constructive consultations with faith and community leaders, and others, who could bring to the common reflection and societal discernment a valid perspective worthy of respect and consideration for the good of all Canadians.

+ Richard Gagnon

Archbishop of Winnipeg and President of
the Canadian Conference of Catholic
Bishops

9 November 2020