

Disability Alliance BC
**Statement on Medical Assistance in Dying (MAiD)
and Bill C-7**
June 24, 2022

Disability Alliance BC (DABC) exists to support people with disabilities to live with dignity, independence, and as equal and full participants in community. We believe in, and champion, the autonomy of people with disabilities and the lives they lead. DABC recognizes that for some, Medical Assistance in Dying (MAiD) is an option they may choose, and for others, it is not a path they would choose. We support them both.

In 2015, assisted dying was decriminalized by the Supreme Court of Canada. Subsequently, with the passing of Bill C-14 in 2016, MAiD became law. Under Bill C-14, one major requirement was that the patient's death had to be reasonably foreseeable to receive access. This restriction led to court challenges arguing that the "reasonably foreseeable" requirement violated the Canadian Charter of Rights and Freedoms. In 2019, a Quebec Superior Court judge ruled it was unconstitutional to restrict access in this way.¹ The government then produced Bill C-7 which split MAiD into two tracks. One track for patients whose death is reasonably foreseeable, and the other for those of whom it is not.

DABC cannot support Bill C-7 and any further expansion of MAiD.

Bill C-7 allows people with disabilities to be eligible for MAiD if they are enduring physical or psychological suffering "that is intolerable to them and that cannot be relieved under conditions that they consider acceptable" (Criminal Code s241.2(2)(c)). This eligibility has been misused to include situations where the intolerable suffering is caused by societal conditions, **not** medical conditions. These societal conditions include but are not limited

¹ <https://www.justice.gc.ca/eng/csj-sjc/pl/ad-am/c7/p1.html>

to: the inability to afford treatments, the inability to access sufficient care, and the inability to access safe and affordable housing. In such cases, poverty is the true condition leading to intolerable suffering, not the disability itself.

Allowing access to MAiD for those who do not meet the reasonably foreseeable natural death (RFND) requirement, while simultaneously failing to implement adequate safeguards, has inevitably led to people accessing MAiD because of unmet societal needs or due to ableism within the medical profession itself, and not due to the effects of medical condition(s) on the people who have them. DABC has heard directly from clients who have experienced their doctors suggesting the possibility of accessing MAiD even though they never asked for this. Clients have expressed feelings of worthlessness and not feeling safe with their doctor.

Until people with disabilities are provided with social support and services that allow them to live a life where their societal needs are met, DABC cannot support Bill C-7, and calls for it to be repealed.

The current state of MAiD in Canada relies heavily on safeguards to strike a balance between respecting the “autonomy of individuals to choose MAiD as a means for relieving intolerable suffering” and “protecting vulnerable persons.”² However, certain safeguards have proven grossly insufficient in their intent of protecting life. Safeguards can fail to resolve underlying issues, be unavailable due to cost, distance, or wait times, or even go un-offered in the first place. When a person considers accessing MAiD, their path to a decision is “determined by the civil, social, economic and political context in which they live.”³ Lack of access to basic needs like housing, medication, care, transportation, and financial stability intensifies suffering and may push some to categorize their level of suffering as intolerable. DABC raises serious concern over the impact of MAiD in its current form. Furthermore, the

² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36253>

³ Human Rights Violations in Canada due to Medical Assistance in Dying Legislation, 2022



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tel 604.872.1278
toll Free 1.800.663.1278

impending expansion to include mental illness and mature minors will compound its damage.

People with disabilities are being forced to choose death in the face of an ableist system that is perpetually refusing to provide the support they need to live. They deserve a real choice.

Sincerely,

The Board of Directors and Staff at Disability Alliance BC