

Disability Leadership Institute on Bioethics
Canada Update

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Canada: It's a small pond, but I wouldn't want to have to row across it.

The state of the law

- Criminal statutes – Federal law (R.S.C. 1985 C-46)
 - Provide necessities of life (215)
 - Negligence (219-221)
 - Homicide (222)
 - Preventable death (224)
 - Accelerating death (226)
 - Murder, etc. (229)
 - counseling or aiding suicide (241)
 - administering a noxious substance (245)
- *Nancy B. v. Hôtel Dieu de Québec* (1992) – Person has the right to refuse medical treatment.
- *Rodriguez v. British Columbia* (1993) – though s. 241 violates rights, it's necessary to protect PWDs.

Current cases

- *Carter case*
 - 2012 – BC court – *Rodriguez* court was wrong, danger insufficient for total ban.
 - 2013 – Appeals court – *Stare decisis* applies. Lower court can't overrule S.Ct.
 - 2014 – Supreme court – Accepts to hear the case (reconsider *Rodriguez*)
- *Bentley case*
 - 2014 – BC court – spoon feeding = personal care. Eating = choice to live.
 - Case is on appeal

Legislation

- Parliament – Considered the issue many times, most recently rejected in 2010 by wide margin.
- Québec's euthanasia bill
 - “Medical aid in dying” for “physical or psychological suffering” at the “end of life”
 - Was on the verge of passing, but election call killed the bill.
 - New government will try to pass old bill “as is.” One vote needed to block it.
- Other provinces waiting for Québec to lead the way.
- Fletcher's federal bills – “medical aid in dying” for “suffering” and commission to implement. They will go nowhere.
- Efforts to defeat Québec's bill.

In the Media

- The media are decidedly pro-euthanasia, pro-assisted suicide
- Public campaigns claiming right to assisted suicide: S. Griffiths, D. Low, E. Hung
- Efforts to get disabled people to be consulted as the experts.

Other organizing issues and strategies.

- Damage control – negotiating safeguards
- Dealing with (actual and perceived) division in the community – leadership.