

Bill C-7 amending the Criminal Code (medical assistance in dying)

Medical assistance in dying: people suffering from a mental illness must be allowed to make choices about their end of life

Montreal, February 10, 2021 • Yesterday, Senators opted to delay the decision regarding access to medical assistance in dying (MAID) for persons whose sole medical condition is a mental illness; the Association québécoise pour le droit de mourir dans la dignité (AQDMD) supports the moratorium because it provides time to develop the guidelines that will allow these individuals to make autonomous choices about their end of life.

The sunset clause passed by the Senate is an appropriate decision because it removes the exclusion and requires lawmakers to establish guidelines

Bill C-7 imposed a blanket prohibition on medical assistance in dying for anyone whose sole medical condition is a mental illness. “It was an emotional moment for those concerned,” stated Dr. Georges L’Espérance, president of the AQDMD, who added that an exclusion would be unconstitutional. The sunset clause, passed by the Senate yesterday, aims to ensure that this exclusion will automatically be removed in 18 months and that clear rules will be established in the meantime. “We need to develop clinical guidelines and safeguards that clinical experts can agree upon.”

While the AQDMD fully supports making MAID accessible to persons whose sole condition is a mental illness, the organization does understand the moratorium approach. Georges L’Espérance explained, “The priority is to avoid postponing passing Bill C-7, which has already taken a long time.”

Denying MAID to persons suffering from a mental illness would deprive them of their fundamental rights

“Mental illness can cause real suffering, which may sometimes be intolerable and treatment resistant,” stated Doctor L’Espérance. Like other citizens, these people must be allowed to choose an end of life that aligns with their values of freedom and dignity, and with as little suffering as possible. Thus, the AQDMD believes that access to MAID must absolutely be expanded to include those suffering from a mental illness, while considering many issues, including situations in which a psychiatric patient might be required to undergo additional treatments, without their consent. Major ethical issues will need to be addressed.

If this is about providing the time required to do things right, the president of the AQDMD specified: “With a moratorium, at least the decision will have to be taken within 18 months, but ideally this wait time should be shortened, so that people affected by the issue can quickly receive MAID, if that is their wish.”

Cognitive neurodegenerative disorders should be eligible for advance medical directives

People suffering from cognitive neurodegenerative disorders like Alzheimer’s disease, dementia, Parkinson’s disease and Huntington’s disease are not included in the amendment.

The AQDMD believes that, in the near future, the reflection process that has been initiated will need to be actively advanced, so that people with a cognitive neurodegenerative condition will be allowed to write advance medical directives—while they have the capacity to consent and before a witness—requesting MAID and stating the time that they deem relevant for themselves, according to their values and regardless of what their cognitive state may be at this future date. “Currently, advance directives do not exist under federal law. This is unique to Quebec and we would like to expand access,” stated Georges L’Espérance.

About the AQDMD

Founded in 2007, the Association québécoise pour le droit de mourir dans la dignité strives to promote recognition for the right of every competent adult who has prepared an advance medical directive to have an end of life that is consistent with his or her own values of dignity and freedom. For more information: <https://aqdmd.org/>

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Sources:

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