

Written contribution to the Human Rights Council's Universal Periodic Review of Canada

Minnesota Citizens Concerned for Life Education Fund
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Minnesota Citizens Concerned for Life Global Outreach (MCCL GO), a program of the Minnesota Citizens Concerned for Life Education Fund, is an international non-governmental organization working to secure full human rights for all human beings from conception to natural death. MCCL has consulted and advised like-minded non-profit organizations in nearly 60 countries. MCCL enjoys consultative status with the United Nations Economic and Social Council and is a civil society organization registered with the Organization of American States.

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1. In 2015, the Supreme Court of Canada overturned Canada's law against assisted suicide. The Court allowed the Canadian Parliament time to enact a law regulating assisted suicide and euthanasia. That law was passed in June 2016, officially legalizing "medical assistance in dying," which may include both assisted suicide and euthanasia. This practice should be scrutinized in light of Canada's human rights obligations.

Euthanasia in Canada

2. The Canadian law defines "medical assistance in dying" as "(a) the administering by a medical practitioner or nurse practitioner of a substance to a person, at their request, that causes death [euthanasia]; or (b) the prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance and in doing so cause their own death [assisted suicide]." This practice is permitted when a patient is at least 18 years old, is a resident of Canada, has a "grievous and irremediable medical condition," and makes a voluntary request. The criteria for a "grievous and irremediable medical condition" include that the condition be "incurable," that the patient be in a state of "decline in capability," and that death be "reasonably foreseeable." During just the first half-year of Canada's euthanasia policy (June 17-December 31, 2016), a total of 803 euthanasia or assisted suicide deaths were reported.¹

Euthanasia and human rights

3. The International Covenant on Civil and Political Rights (ICCPR) declares, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" (Article 6.1). But euthanasia, by definition, is the intentional killing of an innocent human being. This is a straightforward violation of the right to life. The right to life is *inherent* and belongs to all human beings, regardless of age, illness, and disability. Moreover, the right to life is *inalienable* and cannot simply be forfeited or waived by the one who bears the right. Euthanasia patients, therefore, have a right to life and may not be intentionally killed. This right must be protected by law.

4. Canada's euthanasia policy excludes people who are disabled and sick (who meet the law's criteria) from the protection against intentional killing that applies to everyone else. Indeed, a study in the *New England Journal of Medicine* found that Canadians choose euthanasia not because of pain but because of "loss of autonomy."² But the right to life belongs to the disabled and dependent no less than to the strong and able-bodied. The ICCPR prohibits discrimination (Article 26), and the Convention on the Rights of Persons with Disabilities (CRPD) considers "discrimination against any person on the basis of disability ... a violation of the inherent dignity and worth of the human person" (preamble). Parties to the CRPD "reaffirm that every human

¹ Government of Canada, "Interim Update on Medical Assistance in Dying in Canada June 17 to December 31, 2016," May 31, 2017.

² Madeline Li et al., "Medical Assistance in Dying—Implementing a Hospital-Based Program in Canada," *The New England Journal of Medicine*, Vol. 376 (May 25, 2017), pp. 2082-88.

being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others” (Article 10).

5. Furthermore, euthanasia may not always be voluntary. Euthanasia deaths are self-reported by the doctors and nurse practitioners who perform the euthanasia; abuses of Canada’s euthanasia requirements would be difficult to uncover. And some patients have already been pressured by others to undergo euthanasia rather than treatment.³ In addition, the requirement that death be “reasonably foreseeable” has been loosely interpreted (encompassing non-terminal conditions)⁴ and, in any case, has been challenged in court; some have called for euthanasia to be permitted on patients who have only mental (rather than physical) health problems or long-term disabilities, people with dementia, and children under the age of 18. But psychiatric problems, such as depression, can impair judgment and prevent proper consent.

Recommendations

6. Euthanasia in Canada threatens the rights to life and non-discrimination, which are guaranteed by treaties to which Canada is a party. Canada should repeal its law and instead protect the lives and promote the health of all of its citizens.

³ Stephen Roberts, “St. Anthony Mother Claims Physician-Assisted Death Was Wrongly Offered for Her Daughter,” *Northern Pen*, July 19, 2017.

⁴ Alyshah Hasham, “Advocates Hail Judge’s Decision in Woman’s Assisted Death Appeal,” *Toronto Star*, June 19, 2017.