

Testimony to Irish Parliament's Joint Committee on Assisted Dying
Why the World DOES NOT Need More Canada in Terms of Medical
Assistance in Dying (MAiD)

Heidi Janz, Ph.D.

Associate Adjunct Professor, John Dossetor Health Ethics Centre, University of Alberta

Hello!

I am honoured to have been asked to engage with the Oireachtas around Assisted Dying and the impact that Canada's expansion of eligibility for Medical Assistance in Dying (MAiD) to include people with disabilities whose death is not reasonably foreseeable is having on Canadians with disabilities. While I acknowledge the complex and sensitive nature of this topic, my main message to you is simple: **Don't be Canada.**

Don't be Canada. Since its initial legalization of MAiD in 2015, Canada has become the poster child for the dangers of legalizing assisted suicide. It is fundamentally important to recognize that both the initial 2016 legalization of MAiD for people with "grievous and irremediable" medical conditions whose natural death is "reasonably foreseeable,"(1) and the 2021 expansion of eligibility to include people with disabilities whose natural death is *not* reasonably foreseeable (2) marked seismic shifts in the already-often-troubled relationship between people with disabilities and healthcare providers. This is because the legalization and expansion of MAiD to people with disabilities who are not at end-of-life created a situation in which clinicians embedded in a healthcare system where ableism is routinely taught, learned, and practiced were given the responsibility of deciding which disabled lives should be ended via MAiD, and which should not.

Don't be Canada. Pay heed to your disability rights advocates when they warn you that legalizing assisted death for people with disabilities who are not at end-of-life will very quickly and inevitably lead to the creation of a society in which it's easier and more expedient for people with disabilities to get assistance in dying than it is to get assistance to live self-determined and dignified lives in the community.(3) Growing

numbers of Canadians with disabilities are being driven to “choose” MAID as their only viable alternative to intolerable living conditions. Among these are:

Chris Gladders, who died by MAID in January, 2021 at the age of 35. He was battling Fabry's disease, a genetic condition. He had two daughters: Hailee, 13, and Savannah, 5. He lived in a long term care facility in Niagra, Ontario. His brother reported that at the time of his assisted death, "The bedding hadn't been changed for weeks. There was feces on the bed. There was urine on the bed. There was urine and feces on the floor, the room was absolutely disgusting." And that the day before his death, "He pulled the call bell beside his bed. I was on the phone with him for 40 minutes and nobody answered that bell. That was his last night." (4)

Equally disturbing is the case of “**Sophia**.”

“**Sophia**” was the preferred pseudonym of a 51-year-old Ontario woman who had Multiple Chemical Sensitivities, a chronic condition. She underwent a medically-assisted death after a frantic effort by friends, supporters and even her doctors to get her safe and affordable housing in Toronto. She left behind letters showing a desperate two-year search for help, in which she begs local, provincial and federal officials for assistance in finding a home away from the smoke and chemicals wafting through her apartment. Four Toronto doctors were aware of Sophia’s case and they also wrote to federal housing and disability government officials on her behalf. In that letter the doctors confirmed that her symptoms improved in cleaner air environments and asked for help to find or build a chemical-free residence. “We physicians find it UNCONSCIONABLE that no other solution is proposed to this situation other than medical assistance in dying,” they wrote. (5)

And finally, there is the equally troubling and tragic story of **Sathya Kovak**.

Sathya Dhara Kovak died by MAID on October 3, 2022. Kovac lived with amyotrophic lateral sclerosis (ALS). Her condition was worsening, but she felt she had more life to live — just not enough home care support to do so. "Ultimately it was not a genetic disease that took me out, it was a system," Kovac wrote in an obituary to loved ones. Her obituary continues, "There is desperate need for change. That is the sickness that

causes so much suffering. Vulnerable people need help to survive. I could have had more time if I had more help" (6).

Don't be Canada. Further expansion of eligibility for MAID to people with a sole diagnosis of mental illness, those with Advance Directives requesting MAID if they become mentally incompetent, and, ultimately, to so-called "mature" minors with illnesses and disabilities are looming on the near horizon. Canada is thus continuing its rapid descent down a slippery slope which many still claim does not exist.

And so, I sit before this Committee today to implore you, for the sake of preserving true dignity and true choice for disabled, ill, old, and other structurally vulnerable people in Ireland, **Don't be Canada.** Tread carefully, and ensure that all people in Ireland have adequate assistance to live, before legalizing assistance to die.

Thank you very much for the opportunity to speak to you about this important topic. I look forward to your questions.

References

1. Government Bill (House of Commons) C-14 (42-1) - Royal Assent - An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying) - Parliament of Canada [Internet]. [cited 2023 Apr 27]. Available from: <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-14/royal-assent>
2. Government of Canada. Government Bill (House of Commons) C-7 (43-2) - Royal Assent - An Act to amend the Criminal Code (medical assistance in dying) - Parliament of Canada [Internet]. 2021 [cited 2021 Dec 29]. Available from: <https://parl.ca/DocumentViewer/en/43-2/bill/C-7/royal-assent>
3. Inclusion Canada, Council of Canadians with Disabilities. End of Life, Equality and Disability: A National Forum on Medical Assistance in Dying (MAiD) Livestream – Inclusion Canada [Internet]. 2020 [cited 2023 Oct 7]. Available from: <https://inclusioncanada.ca/2020/02/14/end-of-life-equality-and-disability-a-national-forum-on-medical-assistance-in-dying-maid-livestream/>
4. Hristova B. CBC. 2021 [cited 2022 Nov 11]. Niagara MPP calls for province to take over “disgusting” Greycliff Manor after 35-year-old dies | CBC News. Available from: <https://www.cbc.ca/news/canada/hamilton/greycliff-manor-covid19-1.5891730>
5. Favaro A. CTVNews. 2022 [cited 2022 May 28]. Woman with chemical sensitivities chose medically-assisted death after failed bid to get better housing. Available from: <https://www.ctvnews.ca/health/woman-with-chemical-sensitivities-chose-medically-assisted-death-after-failed-bid-to-get-better-housing-1.5860579>
6. KOVAC SATHYA - Obituaries - Winnipeg Free Press Passages [Internet]. [cited 2022 Nov 12]. Available from: https://passages.winnipegfreepress.com/passage-details/id-311052/KOVAC_SATHYA?fbclid=IwAR3g9BBIzc5CqpU8AF93Zu346irJ-PiNBbOqVg0Ut44yV8tvN8D1woRi25A
7. Bickenbach J. Ethics, disability and the international classification of functioning, disability and health. *American Journal of Physical Medicine & Rehabilitation*. 2012;91(13):S163–7.