

Committee failed to protect Charter rights of Canadians and ignored key evidence

Ottawa, January 29, 2024 – Three independent senators support a dissenting opinion asserting that a joint parliamentary committee failed to address its mandate and produced an unsatisfactory report.

Senators [Stan Kutcher](#), [Marie-Françoise Mégie](#), and [Pamela Wallin](#) are all members of the [Special Joint Committee on Medical Assistance in Dying](#) (AMAD). Two of these senators are also medical doctors.

The committee was mandated to assess the state of readiness nationally for persons whose sole underlying condition is a mental disorder and who wish to apply for MAiD.

The Government of Canada [previously identified four tasks](#) that were necessary to have in place for Medical Assistance in Dying for persons whose sole underlying condition is a mental disorder (MAiD MD-SUMC). These four tasks are described in the [dissenting opinion](#).

Last year, [Bill C-39](#) passed in parliament to extend the exclusion period for MAiD MD-SUMC, because the tasks identified by the Government of Canada as necessary for access had not been yet completed. The bill recommended that the exclusion end on March 17, 2024. This allowed the government an additional year to ensure readiness.

The committee heard testimony from 21 individuals and organizations. Fifteen of these witnesses participated in one or more of the tasks assigned by the federal government and testified that Canada was ready to end the exclusion.

Despite the fact that the majority of witnesses testified that the Government of Canada’s tasks had been completed and readiness had been achieved, the majority report states that the “Canadian medical system” is not ready and recommends that the exclusion continue. However, the committee did not undertake a study of the “Canadian medical system.” Our mandate was to determine if the Federal Government’s tasks for readiness had been completed. We believe they have.

The majority report is not an accurate reflection of the weight of the witness testimony, as it did not consider vital testimony submitted in written form by experts responsible for the delivery of MAiD services.

The majority report of the committee, if accepted by the Government of Canada will deprive Canadians with mental disorders of their charter rights regarding end-of-life care, by discriminating against their right to apply for MAiD MD-SUMC. Canadians with mental disorders should receive appropriate health care on a case-by-case basis, a right that is afforded to all other Canadians who meet criteria for access to MAiD. It also stigmatizes individuals with mental disorders, promoting the myth that individuals with mental disorders are incapable of making informed decisions about their end-of-life choices.

Read the dissenting opinion, which is attached to the committee’s majority report, [here](#).

QUOTES

“The majority report perpetuates stigma and discrimination against Canadians who have a mental illness. It also does not properly evaluate the evidence that was presented to the committee and ignores the tasks for readiness that were defined by the Government of Canada as needed to be completed prior to March 31, 2024.”

- **The Honourable Stan Kutcher, Senator**

The majority report mentions that “Canada’s medical system is not prepared for MAID where mental disorder is the sole underlying medical condition.” Yet, the majority of witnesses, those with in-depth knowledge of the readiness criteria, said that regulatory agencies are ready.”

-**The Honourable Marie-Françoise Mégie, Senator**

“This is genuinely a matter of life and death. The government should not renege on its promise to respect an individual's right to choose—a right protected by the Charter.”

-**The Honourable Pamela Wallin, Senator**

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