

## **Recent News: Federal studies on MAID, Lamb v. Canada update, and forced transfers**

Dear supporters,

What a year it has been for our movement and our organization! We have relished the opportunity to keep you up to date on the constantly shifting assisted-dying file in Canada.

On behalf of the entire Dying With Dignity Canada team, I wish you and yours a peaceful and restorative rest of the holidays and a positive start to 2019. Thank you for standing on the frontlines of change with us. We could not have done this work without you!

With gratitude,  
Rachel

### **The Council of Canadian Academies' (CCA) long-awaited reports on medical assistance in dying were tabled in Parliament on December 12.**

Commissioned by the federal government, the reports examined the possibility of extending assisted dying access to three groups of suffering people who are currently excluded under the federal law: 1) mature minors; 2) individuals whose primary underlying condition is a severe mental illness; and 3) individuals whose right to a peaceful death is out of reach as a result of the ban on advance requests for assisted dying.

The CCA's reports [can be found here](#).

### **Dying With Dignity Canada (DWDC) responded to the release of the reports in a [press release on our website](#). DWDC CEO Shanaaz Gokool commented:**

*“These reports are extremely thorough, and they confirm what suffering Canadians have told us for more than two years: that the right to a peaceful death, recognized in the Supreme Court’s 2015 decision in Carter v. Canada, remains out of reach for many desperately suffering people. It should not be up to vulnerable people to go back to court to reassert their rights.*”

*“We urge our federal lawmakers to take the only fair and just course of action: to end, without further delay, the discrimination and cruelty imposed by the law.”*

### **Kelly Grant of [The Globe and Mail](#) covered the release of the reports in an article that featured comments from Shanaaz.**

*“It’s really up to the government now, and failing that, the courts, to move these issues forward.”*

[The Canadian Press’ Joan Bryden also wrote](#) about the CCA’s reports and the division among the panelists studying whether individuals whose sole underlying medical condition is psychiatric should be eligible for medical assistance in dying (MAID).

### **[The Globe and Mail’s André Picard wrote a column](#) about the need for solutions and action to address the questions raised within the CCA’s reports.**

*“The panels have left us with a lot of questions, many of which have no right or wrong answer. But sooner rather than later, politicians – principally the federal government, but there are many provincial issues well – will have to make tough decisions.*”

*We need a law that respects the desire of people – all people – to maintain control over their lives and their wish for a dignified death, all the while safeguarding them from potential abuse.”*

**The Supreme Court of Canada has dismissed the British Columbia Civil Liberties Association’s (BCCLA) bid to fast-track the *Lamb v. Canada* court challenge against restrictions in the federal assisted dying law. B.C.’s Julia Lamb and the BCCLA sought to accelerate the trial by preventing Canada from relitigating facts already decided in the Supreme Court’s landmark *Carter* case.**

DWDC is incredibly disappointed by the Supreme Court’s decision. Allowing the federal government to reargue these facts will lead to a lengthier and costlier trial, which means many suffering Canadians who are currently left out of the federal assisted dying law will have to wait even longer.

**[Our CEO Shanaaz Gokool spoke to The Canadian Press](#) about the Supreme Court’s decision.**

*“Unfortunately, for people who are currently outside of the legislation — which is far narrower, much more restrictive, and we believe unconstitutional — they don't have that hope. They don't have that comfort.”*

**[The BCCLA spoke with City News 1130](#) about its disappointment.**

*“A lot of the fundamental facts and findings that we won in the case haven’t changed, and we shouldn’t have to reprove the things that we just proved a few years ago. Having to go through all that would really take a lot of extra time, and during that time people will be suffering.”*

**The issue of forced transfers for assisted dying continues to dominate news headlines across the country.**

CBC Edmonton’s Jennie Russell has continued her excellent and comprehensive coverage of the harms of allowing Alberta’s Covenant Health to ban assisted-dying services on their premises. The public and political backlash that has ensued following the CBC News investigation has led to Covenant Health [revising its assisted-dying policy](#) to allow MAID request form signings and assessments to be conducted on-site.

**[In this CBC News piece, the family of Doreen Nowicki](#) — whose MAID assessment was conducted on a sidewalk bench because of Covenant Health’s ban — responded to the revised policy.**

*“At the very least, (assisted-dying) assessments are being able to be done at Covenant,” said Nowicki's daughter, Michele Emmanuel. “So that's a start. I don't think that it should end there, but it's a start.”*

**Following public complaints, Alberta’s Health Minister Sarah Hoffman [said her ministry is reviewing options that would allow assisted dying at faith-based facilities](#). But she cautioned that the province is “not there yet.”**

*“A lot of Albertans are writing in, even folks from across the country. I know this is an issue that matters to everyone, and we're continuing to gather that and review the advice that is being given.”*

**Want to speak out against forced transfers? Please consider signing the following DWDC petitions if you haven’t done so already:**

- [Tell your Premier that forced transfers for assisted dying are wrong](#)
- Live in Alberta? [Tell Premier Rachel Notley to put a stop to forced transfers for assisted dying](#)

**[Alex Muir of the DWDC Vancouver chapter wrote a persuasive op-ed for \*The Province\* on why public facilities must end their forced transfers policies.](#) Alex references his volunteer work as an independent witness and his conversations with employees of B.C.'s Providence Health, many of whom are supportive of MAID.**

*“In my role as a volunteer independent witness of MAID application requests, working for Dying With Dignity Canada, I encounter many social workers and nurses employed by Providence, almost all of whom have been supportive of MAID. These staff members have no ‘conscientious objection’ to MAID. Rather, it is the board’s policy that prevents them from participating in MAID.”*

The [Vancouver Sun](#) reported that the practice of forced transfers for assisted dying is declining in B.C.'s Fraser Health region, but barriers still remain.

**While the issue of forced transfers makes headlines in other provinces, law professor Jocelyn Downie shines a spotlight on the alarming gaps in assisted dying access in Antigonish, Nova Scotia [in this opinion column for the Chronicle Herald.](#)**

St. Martha’s Regional Hospital, a publicly funded faith-based institution in Antigonish, refuses to allow MAID within its walls. It’s only a matter of time, Downie wrote, that the concerning and traumatic forced transfers stories we’ve heard in other provinces will happen in Nova Scotia. Downie proposed solutions to ensure this additional suffering is prevented.

*“For two and a half years, the [Nova Scotia Health Authority] and the health department have taken an extreme position that puts institutional religious freedom far ahead of the suffering of vulnerable patients. Time’s up.”*

Declaring a room in a faith-based hospital to be non-religious is one possible solution to forced transfers that has gained traction in recent weeks. DWDC’s very own Dr. David Amies, a member of our Clinicians Advisory Council and a regular blog contributor, has proposed this solution since 2017, [including in this Nov. 2018 blog post.](#)

**In response to Audrey Parker’s final pleas for changes to the federal MAID law, Robin Baranyai wrote [an opinion piece for The London Free Press](#) in support of advance requests for assisted dying.**

*“People facing death should have a chance to change their mind. But what if they lose the capacity to speak for themselves? Erring on the side of preserving life amounts to protecting the vulnerable by prolonging their suffering.”*

**Jo Aubin, who was diagnosed with Alzheimer’s at 37, once hoped that he would be able to have a medically assisted death. But advance requests for assisted dying are not permitted under the law. *Maclean’s* Shannon Proudfoot [first wrote about Jo in Sept. 2015](#), with a [follow-up piece running in Sept. 2018.](#)**

After his condition took an unexpected turn in the fall, Jo died on Nov. 29 at the age of 42. [He died peacefully, as close as he could to how he wanted, Proudfoot wrote.](#)

**Canadians who have supported a loved one on a journey with assisted dying continue to come forward with their important stories.**

Lorraine “Lani” Hudelson had an assisted death in Comox, B.C. Her acquaintance [Pat Carl wrote a piece for Decaf Nation](#) about what it was like to be with Lani in her final moments: *“I am not choosing to die...,” Lani said. “I am dying anyway. What I’m choosing is how and when and where to die.”*

In rural British Columbia, [a daughter opened up to The Northern View](#) about her dad’s medically assisted death: *“It was painless for my dad, as far as I could see, and it was completely peaceful. It was really beautiful.”*

A Medicine Hat, Alta. woman [spoke to the Medicine Hat News](#) about her husband’s medically assisted death: *“If death can be beautiful, it was beautiful.”*