Position Paper BestMUN’22

Country: Canada
Committee: Ga 6 - Legal

Agenda Item: Legality Of Euthanasia

Canada believes it is a human right to end the life of the incurable, or individuals who are too disabled to survive on their own, using a non-painful method. Unlike many countries in the world, active euthanasia method is used in Canada. Physician-assisted suicide has been legal in the Province of Quebec, where it is referred to as "medical aid in dying", since June 5, 2014. It became legal in the entire country in June 2016 after the criminal prohibition was struck down. Subsequently, new legislation was passed in Parliament pursuant to a 2015 Supreme Court of Canada decision.

The previous situation in Canada was different from the current situation. Before it had been amended in 2016, the Criminal Code of Canada stated in section 241(b) that "Everyone who aids or abets a person to commit suicide, whether suicide ensues or not, is guilty of an indictable offense and is liable to imprisonment for a term not exceeding fourteen years". On June 15, 2012, the Supreme Court of British Columbia ruled that provisions in the Criminal Code prohibiting doctor-assisted suicide were unconstitutional as they apply to severely disabled patients capable of giving consent.

With the enactment of new federal legislation created, medical assistance in death is legal if eligibility criteria are met and procedural safeguards are followed. The eligibility criteria are as follows: (a) they are eligible — or, but for any applicable minimum period of residence or waiting period, would be

eligible — for health services funded by a government in Canada;

(b) they are at least 18 years of age and capable of making decisions with respect to their health;

(c) they have a grievous and irremediable medical condition;

(d) they have made a voluntary request for medical assistance in dying that, in particular, was not made as a result of external pressure; and

(e) they give informed consent to receive medical assistance in dying after having been informed of the means that are available to relieve their suffering, including palliative care.

(2) A person has a grievous and irremediable medical condition only if they meet all of the following criteria:

(a) they have a serious and incurable illness, disease or disability;

(b) they are in an advanced state of irreversible decline in capability;

(c) that illness, disease or disability or that state of decline causes them enduring physical or psychological

suffering that is intolerable to them and that cannot be relieved under conditions that they consider acceptable;

and

(d) their natural death has become reasonably foreseeable, taking into account all of their medical circumstances, without a prognosis necessarily having been made as to the specific length of time that they have remaining.

The delegates of Canada believes that as a nation prohibiting euthanasia means that someone else makes a decision that should be made only by oneself, which means ignoring that person's will. If a person is conscious enough to make a decision, his decision (consensual euthanasia) should be respected and implemented. As Canadian delegate supports the conclusion that legalization of euthanasia does not put vulnerable people at heightened risk of non-voluntary or involuntary euthanasia and have been supporting euthanasia since 2016 for heavy and repair disease definition.