PHYSICIAN-ASSISTED DYING

In February 2015, the Supreme Court of Canada decided that it is against the Charter of Rights and Freedoms to prosecute a doctor for assisting someone with incurable suffering who wants to end their life.

Before the Supreme Court’s ruling, both voluntary euthanasia and physician-assisted dying were illegal in Canada under the Criminal Code.

Physician-assisted dying will be legal in Canada starting June 6, 2016. This means that a person suffering from a serious and permanent illness will have the legal right to request medical help from a doctor to die when he/she is ready.

- The federal government needs to amend the Criminal Code by June 6, 2016. Provinces and territories will then have to build on the federal amendment to set up the laws, guidelines, and other rules required to provide physician-assisted dying in each province and territory. At this time, it is not known what the federal legislation will address.
- There are a number of issues that must be considered in setting up a framework for physician-assisted dying. These include:
  - who is eligible;
  - levels of patient understanding and knowledge required throughout the process;
  - how it will be done (i.e. what medications will be used, where it will be done, etc.); and
  - how to address conscientious objection by physicians.
- The NWT must also consider some unique issues, such as language and cultural implications; as well as the challenge of how to provide the service in a territory with a large amount of land with a small population (i.e. medical travel needs), and where many services are provided by nurses instead of physicians.
- The Department of Health and Social Services is working to set up a framework to provide physician-assisted dying in the NWT.
- A physician-assisted dying framework will establish the rules to make sure that assisted dying will be provided in a safe, fair, and caring manner, and only to those eligible persons who have specifically requested it.
- The NWT framework will need to find a balance that respects the decision of the Supreme Court of Canada and values the rights of patients and health care providers in a culturally appropriate manner.
- The NWT is working with the other provinces and territories to create similar frameworks. This will make sure there are no major differences in how physician-assisted dying is accessed and provided across Canada.
- The Department completed its initial public engagement with NWT professionals and the public on February 15th, 2016.
- The Department will carefully consider all comments and suggestions as it develops a framework.
- Assisted dying will be 100% voluntary. Patients and health care providers will not be forced to provide or participate in assisted dying.