



November 2, 2015

Via email: steve.mihorean@justice.gc.ca

External Panel on Options for a Legislative Response to *Carter v. Canada*

Dear Panel Members:

Re: Consultation on Options for a Legislative Response to *Carter v. Canada*

The Canadian Bar Association (CBA) appreciates the opportunity to comment on the legislative response to the Supreme Court of Canada decision in [*Carter v. Canada*](#).

The CBA is a national association representing 36,000 jurists including Canadian lawyers, notaries, law teachers and students. Its primary objectives include improvement in the law and the administration of justice. The CBA has benefited from the insights of its End of Life Working Group – a collaborative effort of members with diverse areas of expertise who consulted widely within the CBA – and whose work was instrumental in the adoption of the two resolutions attached to this letter. See: [Physician Assisted Dying](#); [Clarifying Law About End of Life Decision-Making](#).

Although the External Panel is tasked with informing the Government of Canada's response to the *Carter* decision, the CBA strongly endorses the adoption of a pan-Canadian approach which would:

1. Amend the *Criminal Code* to align with the *Carter* decision;
2. Result in harmonized provincial and territorial legislation providing:
 - a) clear pathways for timely access to physician assisted dying;
 - b) clear procedural safeguards that protect individuals who seek physician-assisted dying but do not impose unreasonable restrictions that would prevent those meeting the SCC criteria from accessing physician-assisted dying; and,
 - c) a system of oversight that ensures meaningful retrospective review of cases and the collection and public reporting of data on physician-assisted dying in Canada.
3. Reconcile, in all aspects of implementing the *Carter* decision, the rights under the *Canadian Charter of Rights and Freedoms* of patients and health care professionals (including those who conscientiously object to participating in physician-assisted dying and those who are willing to participate).

Yours truly,

(original signed by Janet M. Fuhrer)

Janet M. Fuhrer