

March 2, 2022,

The Honourable Jean-Yves Duclos, P.C., M.P.
Minister of Health
House of Commons
Ottawa, Ontario
K1A 0A6

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Subject: Concern with Expert Panel Composition

Dear Ministers,

We write to you today in advance of the release of recommendations from the Expert Panel on MAiD and Mental Illness. Our organizations have grave concerns with the composition of the panel, as was struck in August of 2021, just days before an election was called. We are concerned that this timing may have resulted in panel membership being under-scrutinized by Canadians and their elected officials.

The panel is mandated to provide recommendations for how best to assess and provide assisted dying to those with a mental illness, and to identify any additional safeguards required to implement MAiD for this population. This is the most serious of assignments.

With the panel's makeup, a predetermined outcome is all but inevitable. The majority of the committee's membership has made clear, through public statements and in co-authored academic papers and reports, that they are in favour of providing very broad access to MAiD, including on the basis of mental illness. The safety and wellbeing of persons with mental disabilities warrants nuanced analysis, unachievable in an echo-chamber. To this point, it is deeply concerning that the committee is not required to consult with stakeholders and that no attempt was made to have a balanced composition in the membership of the committee.

We urge you:

- a) to require robust consultations on the issue of MAiD on the basis of mental illness, including with Canada's national disability, mental health, and consumer-survivor communities.
- b) to further engage with experts who bring widely acknowledged expertise in the areas of addiction and mental health, mental health and disability supports, human rights, ableism, stigma and oppression, poverty, gender, racism, incarceration and the indigenous experience in Canada, and
- c) to submit the recommendations made by the panel to further independent and balanced scrutiny before endorsing any recommendations

A decision of this magnitude of how best to provide assistance in dying to people with mental illness requires scrutiny and the utmost respect for proper procedures. To have appointed the

Expert Panel in haste, without transparency and public accountability, without a search for the most balanced representation, and at a time where the public could not appeal or respond to the appointments made, is troubling and undermines the legitimacy of the process.

We look forward to your timely reply,

Sincerely,

ARCH Disability Law Centre

L'Arche Canada

British Columbia Aboriginal Network on Disability Society

Canadian Institute for Inclusion and Citizenship

Disability Justice Network of Ontario

The DisAbled Women's Network of Canada / Réseau d'Action
des Femmes Handicapées du Canada (DAWN-RAFH Canada)

Inclusion Canada

Spinal Cord Injury Canada