

9 Octobre, 2019

Honorable David Lametti, député fédéral, Procureur général du Canada

Cc :

Très honorable Justin Trudeau, Premier Ministre, Chef du Parti libéral du Canada,
Honorable Carla Qualtrough, députée fédérale, ministre de l'Accessibilité, Parti libéral du
Canada,
Honorable Ginette Petitpas, députée fédérale, ministre de la Santé, Parti libéral du Canada.

Monsieur le Ministre,

**Objet: Des médecins en appellent du jugement *Truchon et Gladu* de la Cour supérieure
du Québec**

Nous, les soussignés, sommes des médecins représentant une vaste gamme de spécialités et de régions géographiques à travers le Canada. Par la présente, nous appuyons fermement la décision d'en appeler du jugement de la Cour supérieure du Québec dans l'affaire *Truchon et Gladu*. Sachez d'autre part que des groupes représentant des citoyens en situation de handicap plaident fortement en faveur d'un appel fédéral de ce jugement vicié en matière d'inclusion et d'égalité. Nous cautionnons sincèrement leurs arguments et leurs conclusions¹. Et nous y ajoutons plusieurs préoccupations qui nous sont propres.

En tant que médecins, nous observons les multiples vulnérabilités et problèmes auxquels par nos patients et leurs êtres chers sont quotidiennement confrontés. Pour ces personnes vivant avec des limitations fonctionnelles, des difficultés banales pour la population en général peuvent grandement entraver la jouissance d'une vie saine et enrichissante au sein de la collectivité. La plupart de ces obstacles ne résultent pas d'une condition médicale en tant que telle mais plutôt d'un manque de mesures de soutien adéquates ou appropriées pour les déterminants sociaux de la santé.

Jour après jour, nous nous impliquons dans un système de santé et un système d'aide sociale incapables de répondre aux besoins fondamentaux de nos patients les plus vulnérables. De nombreux médecins sont carrément désespérés pendant leurs démoralisants entretiens avec des individus qu'ils se sont engagés à aider mais auxquels ils ne peuvent offrir que de maigres ressources. Nous savons qu'à travers le pays, nombreux sont les patients qui ont choisi l'aide médicale à mourir (AMM) à cause des souffrances endurées par manque de soutiens appropriés². Assurons-nous d'abord que les patients n'aient pas réclamé l'AMM à

¹: Cette lettre peut être lue à l'adresse :

https://docs.google.com/document/d/1ZqRxITJWpaVEARtXMs1mxGpUWWDQ3efwPLq_8modlsgo/edit?usp=sharing

² Se référer par exemple à :

a) <https://montrealgazette.com/news/local-news/saying-goodbye-to-archie-rolland>

b) <https://www.cbc.ca/news/canada/british-columbia/als-bc-man-medically-assisted-death-1.5244731>

cause d'un manque de soins et fondamentaux et de soutiens et qu'ils aient d'abord bénéficié d'adéquates et publiques mesures de soutien communautaire et domiciliaire, ainsi que de soins de santé exemplaires et de la gestion des symptômes.

Il était clair, lorsque le libellé initial de la loi sur l'aide médicale à mourir a été débattu au Parlement, que l'AMM devait comporter des balises; que les droits personnels devaient s'accompagner de garanties non seulement pour nos plus vulnérables mais également pour notre société. Notre identité canadienne est fortement ancrée dans notre compassion et notre bienveillance collectives. Nous valorisons grandement notre caractère inclusif et tolérant et œuvrons sans relâche pour accommoder et intégrer les membres minoritaires de nos collectivités. Or, si le jugement de la cour québécoise est confirmé, nous risquons fortement de perdre cette composante fondamentale de notre identité canadienne. Déjà, nos voisins en situation de handicap et leurs êtres chers subissent une constante dévalorisation de leur vie. On leur dit fréquemment - et souvent brutalement - « qu'il vaudrait mieux qu'ils meurent », comme l'illustre clairement la cause *Foley de London*³. S'il demeure incontesté, ce jugement érodera tout simplement les responsabilités provinciales quant à l'aide sociale et les soins cliniques professionnels pour les citoyens vulnérables.

“L'autonomie” ne signifie pas grand-chose si privée du droit intrinsèque aux composantes requises pour une vie bien remplie même si différente ou physiquement limitée. Si l'actuelle décision judiciaire n'est pas contestée, l'AMM sera appliquée sans que les citoyens aient d'abord le droit de mener une vie de dignité - malgré des limitations – et non une mort accélérée -, et sans que des soins appropriés soient garantis aux personnes fragiles. Et si l'harmonisation entre les désirs personnels et l'obligation d'un soutien et d'une protection communautaires n'est pas clairement précisée par un appel du jugement *Truchon et Gladu* auprès de la Cour d'appel du Québec, voire jusqu'en Cour suprême du Canada, les cours auront alors tendance à l'avenir à exposer l'AMM à des « critères » de plus en plus élargis pour une mort accélérée. Sans appel, le Canada aura dépassé l'étape de la permission de transférer les décisions autonomes de fin de vie au royaume de la mort sur demande; cela surviendra en tout temps et pour n'importe quel motif.

Les décisions judiciaires comptent! Si nous désirons réellement une société canadienne inclusive et compatissante, nous devons défendre nos lois et nos citoyens contre toute décision malavisée comme celle-ci. Et d'après les solides témoignages recueillis au cours de millions de consultations collectives avec les patients que nous représentons, nous craignons fortement pour nos patients les plus vulnérables et leurs êtres chers si ce jugement n'est pas porté en appel. Espérant conserver notre identité canadienne de société compatissante et désirant fortement protéger nos patients et notre système de santé, nous enjoignons M. Lametti à en appeler du jugement *Truchon & Gladu*. Nous exhortons aussi tous les Canadiens à contacter immédiatement le ministre Lametti ainsi que leur député fédéral et à les encourager à interjeter appel avant l'échéance du 11 octobre 2019.

³ Voir, <https://www.ctvnews.ca/health/chronically-ill-man-releases-audio-of-hospital-staff-offering-assisted-death-1.4038841>

Signé,

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Internist/Oncologist (retired)
Gibsons, BC
200. Dr. Jennifer Y. Tong, BSc, MD, CCFP
Family physician, Vancouver, BC
Clinical Instructor, Dept of Family Practice, Faculty of Medicine, University of British Columbia
201. Dr Jessica Simon, MB, ChB, FRCPC
Palliative Medicine
Calgary, AB
202. Natasha Gattey, MD
Psychiatry Resident, University of Saskatchewan
Saskatoon, SK
203. Lauren E Jackson, BSc, MD, FCFP
Duncan, BC

204. Karol Boschung
Medical Student
University of British Columbia
205. Lauren Bolster, MD, MEd, FRCPC
Hematologist
University of Alberta
206. Young Sang Sohn
Family Physician
Duncan, BC
207. Luke Savage, MD, CCFP
Clinical Assistant Professor, Cumming School of Medicine, University of Calgary.
Rural Family Physician
Three Hills, AB
208. Darrel G Eliason, BMedSc, MD
Physician
Calgary, AB
209. Philip Hui, MD FRCPC
Surrey Memorial Hospital, BC
210. Dr. Duncan Etches, BSc, MD, Dip Obs, CAC Elderly, MCISc, CCFP, FCFP,
Faculty of Medicine, UBC
Vancouver, BC
211. Dr. Nathan Lim B.Sc., M.D., CCFP-EM
Royal Columbian Hospital Emergency Department
212. Marian Ma, MD
Fernie, BC
213. Avril E. Castagna, MD, FRCPC, MRCPI
Staff Paediatric Neurologist
Scarborough Health Network
Ontario
214. Natalia Novosedlik, MD, CCFP(PC)
Scarborough, ON
215. H. Niall Jones MD FRCPC
Rheumatology
Associate Clinical Professor University of Alberta
Edmonton, AB
216. Esther Lee, MD FRCPC
Palliative Medicine, BC

217. Theresa Lo, MD, FRCPC
Psychiatrist
Surrey, BC
218. Michael J. Passmore, MD, FRCPC
Geriatric Psychiatrist, Vancouver, BC
Clinical Associate Professor, UBC
219. Dr. Majid Iqbal, MD, PhD, CCFP(PC)
Academic Palliative Medicine Physician, Kingston Health Sciences Centre
Assistant Professor, Queen's University – Division of Palliative Medicine
220. Nicolette Pearce, MD, CCFP, FCFP
Duncan, BC
221. Dr. Devin S. Hasanally MD MSc
PGY-2 Family Medicine Resident
Iqaluit and St. John's, Nunavut and Newfoundland & Labrador
222. Dr. Tim Kostamo
Orthopedic Surgeon
Burnaby Hospital
Clinical Assistant Professor, UBC
223. Dr. Jonathan Chan, MD, FRCPC
Rheumatology
Clinical assistant professor, UBC
Vancouver, BC
224. Victoria Marianchuk, MD
Family medicine resident
Toronto, ON
225. John R McLeod, BSC, MD, CCFP.
Hospitalist
Burnaby BC
226. Robert Banner, MD, CCFP, FCFP, FRCP(C)
London, ON
227. Iris Liu, BSc, MD, CCFP
Family Medicine, Abbotsford, BC
Faculty of Behavioral Medicine and Scholar at Abbotsford-Mission Site of Family Medicine, UBC
228. Shannon Rabuka, MD, FRCPC
Anesthesiology
Calgary, AB
229. Dr. James Yeung, MD, FRCPC
Rheumatologist
Richmond, BC

230. Wi-Guan Lim M.D.
Family physician
Vancouver, B.C.
231. Dr. Philippa Hawley FRCPC (PM)
BC Cancer
Vancouver, BC
232. Dr. Genevieve Eder, MSc, MD, CCFP
Family Physician
Calgary, AB
233. Dr Bill Martin CCFP
FP/ER
Miramichi, NB
234. William F. Sullivan, MD, CCFP (COE), PhD
Associate Professor, Dept. of Family and Community Medicine, University of Toronto
St. Michael's Hospital and Surrey Place
Ontario
235. Dr. Julia Bright, MD
Family Physician
Chilliwack, BC
236. Dr Toyin Adeyemo, MD FRCPC
Psychiatrist
Langley Memorial Hospital
237. Sheila Rutledge Harding, MD, MA, FRCPC
Medical Consultant & Division Head, Transfusion Medicine, Saskatoon Area
Professor, College of Medicine, University of Saskatchewan
Saskatoon, SK
238. Cyril Chan M.D
Family Physician (retired)
British Columbia
239. Dr. Joel Emery
Staff Physician
Kamloops, BC
240. Vanna Schiralli, MD, CCFP, FCFP
Family Physician
St. Michael's Hospital
Toronto, ON

241. Peter Chan, MD, FRCPC (Geriatric Psychiatry)
Clinical Professor of Psychiatry, UBC
Consultant Psychiatrist,
Vancouver General Hospital
242. Harvey Max Chochinov, OC, OM, MD, PhD, FRCPC, FRSC, FCAHS
Distinguished Professor of Psychiatry, University of Manitoba
Winnipeg, MB
243. Lucinda McQuarrie, MD, CCFPC
Langley Memorial Hospital, UBC,
British Columbia
244. Dr. Althea Burrell BSc MD FRCPC
Adult Respirology
Markham, ON
245. Dr. Lubomir Alexov. BSc, CCFP(PC)
Associate Professor University of Toronto
Scarborough, ON
246. Melaine Ryper, MD, FRCP
Emergency Medicine
Vancouver, BC
247. Dr Virgil Danescu CCFP
Abbotsford, BC
248. Dr. Kaspar Ng, BScPhm, MD
Pediatrics Resident
University of Calgary
249. Carolyn Van Schagen
Family doctor
Langley Memorial Hospital
British Columbia
250. Dr. Hailey Barker BSc, MD
Family Physician
Calgary, AB
251. Hester Vivier
Family Physician
Fort Langley, BC
252. Paul Graham, MD, CCFP
University of Calgary
British Columbia
253. Dr Alicia Bong, MD, CCFP
Vancouver, BC

254. Philip J. Hanam MD, CCFP
Family Physician
Vancouver, BC
255. Warren Terry MD, MEd, CCFP(EM), FRCSC
Pediatric Orthopedic Surgeon, Clinical Instructor UBC
Maple Ridge, BC
256. Christopher More, MD, CCFP (FPA)
Carman, MB
257. Renata Leong, MDcM, MHSc, CCFP, FCFP
Staff Physician
DFCM, St. Michael's Hospital
Assistant Professor
DFCM, University of Toronto
258. Pamela Gold, MD, CCFP
Hanover, ON