

SELECT COMMITTEE ON DEATH AND DYING WITH DIGNITY

COMMENTS OF PHILIP RAPHALS

July 19, 2010

I agree with and support the comments of my mother, Sarah Susan Raphals, in support of legalizing assisted suicide for the elderly.

I wish to speak to you about the consequences of the **illegality** of assisted suicides on the elderly and their families.

I speak from personal experience: my father took his own life almost 30 years ago. His choice was due in part to his quality of life. He suffered from severe back pain and intestinal pain, resulting from diverticulitis. The painkillers he used to relieve the back pain aggravated the intestinal pain. He had been weak and miserable for a long time. He also had Parkinson's disease, a degenerative illness that can be managed but, apparently, never gets better, only worse.

Nevertheless, I am convinced that he did not make this choice simply because of the pain and discomfort. In part, it was because he was convinced that his quality of life would continue to decline. But more important, it was because he feared finding himself in a situation where he would no longer be able to choose.

His Parkinsonism was fairly well controlled, but he knew a man who had gone into a deep decline with the same disease. His friend was totally incapacitated and suffered from severe dementia; he was a tremendous burden on everyone around him, especially his wife, who cared for him. My father **knew** he didn't want to end up like that.

My father spoke to me about this a few hours before he took the fatal overdose, but only in vague terms. At the time, I didn't understand what he was saying. Afterwards, I did.

Dad knew he wanted to go out on his own terms, and he knew that, once he was in a hospital or an institution, for whatever reason, he would lose the ability to make that choice. And he knew that he couldn't talk to any of us about it openly, in part because we would surely try to talk him out of it, but more important, because if we didn't talk him out of it, we could be charged with assisting in a suicide.

I'm sure you have all seen *Les Invasion barbares*. For me, this film was tremendously moving, because Rémy got to do it right, in a way that my father didn't.

My point is very simple: an elderly person who wishes to choose when he or she has had enough knows that that option will disappear the moment they enter a health-care institution. As a result, people in my father's situation are driven to act before they are really ready, in order

to avoid losing the opportunity. **In other words, the very fact that assisted suicide is illegal pushes the infirm elderly to end their lives earlier than necessary.**

I should also mention the case of a dear family friend who missed that chance, and deeply regretted it. She suffered from severe osteoporosis, and spent the last years of her life in pain and misery in hospitals and nursing homes, after breaking her hip and many other bones. She desperately wanted to end her life, but was unable to do so. And of course, no one could help her ...

I applaud the National Assembly for undertaking these hearings. Since the government of Quebec cannot modify s. 241 of the Criminal Code, it is not entirely clear to me what steps you can take to relieve this unfortunate situation. Guidelines like those promulgated by the Attorney General of British Columbia in 1993 (referred to on p. 36 of your consultation document) would be a substantial improvement over the status quo. I encourage you to look further for creative solutions.