



CANADIAN ASSOCIATION
FOR COMMUNITY LIVING
ASSOCIATION CANADIENNE POUR
L'INTÉGRATION COMMUNAUTAIRE

Diversity includes. On se ressemble.

LIFE WORTH LIVING, LIFE WORTH SAVING

"There are a lot of things that can and should be made easier for people with intellectual disabilities in our country and our society. But making it easier to use the MAiD laws to end our lives is not one of them" - Kory Earle

The Issue

In **2016**, Canada legalized medical assistance in dying. At the time virtually every organization defending the rights of people with disabilities in Canada encouraged the government to restrict medical assistance in dying to end of life (to people who are dying). **We wanted to prevent our worst fear : that Canada would begin to authorize deaths on the basis of having a disability.** We were successful in our advocacy and the law included a requirement that a person's death be "reasonably foreseeable."

In **2019**, the Quebec Superior Court struck down this requirement. The court found that the "reasonable foreseeability of natural death" requirement prevented some people who were suffering, including people with disabilities, from being able to choose when and how they die, even if they do not have a terminal illness. Canada chose not to appeal the decision, leaving many questions unasked and unanswered.

Now, in **2020**, in the midst of a global pandemic, Canada is preparing to debate a new law, Bill C-7, that would allow for people with disabilities who are not nearing death to die with medical assistance *because* they have a disability.

Bill C-7

Bill C-7 discriminates against people with disabilities, including intellectual disabilities.

It would allow for people with intellectual disabilities to die with medical assistance because they have a disability. They won't need to have cancer, or heart disease, or otherwise be dying. This is dangerous and wrong. Not everyone will be able to end their lives with medical assistance when they are suffering. Some Canadians will instead be provided intensive mental health care, suicide prevention, social supports, and crisis intervention. How and why are people with disabilities different? Are we not willing to try to improve the lives of people with disabilities? Are people with disabilities a lost cause?

It is against the Charter of Rights and Freedom to discriminate based on disability, just as it is illegal to discriminate based on other characteristics such as race, sexual orientation, gender, religion, or age.

It is discriminatory to provide medical assistance in dying on the basis of disability, when people who don't have a disability would not be provided medical assistance in dying in the same circumstances.

This reinforces the idea that the lives of people with disabilities are not as important, necessary, or valued as other Canadians.

Thankfully, Canada would not dream of providing medical assistance in dying on the basis of being LGBTQ2S+, a person of colour, or an indigenous person, for example, even though these groups could argue that they suffer.

Why then is it ok to provide medical assistance in dying on the basis of having a disability? Just like everybody else, when a person with an intellectual disability is not dying but wants to die, they should be given support to live, not to die.

The Risk

COVID-19 has made it very clear that the lives of people with intellectual and developmental disabilities are not as valued as those of people without disabilities. For example, some hospitals and health authorities are operating under critical care protocols that say that if you have an intellectual disability or "cognitive impairment" you can be moved down the priority list - less likely to be provided with a ventilator or life support. And some group homes for people with disabilities, including intellectual disabilities, were not quickly provided with the necessary PPE to keep people safe.

We know that people with intellectual disabilities are under-valued. It's a nightmare, but it's undeniable at this point. Making disability an acceptable reason to die reinforces this kind of devaluation.

What do we want?

By limiting access to MAiD to people at the end of their lives (to people who are dying), the government treats the suffering of all people who are not at the end of their lives equally. The solution to suffering isn't death. The answer is to make every effort to reduce a person's suffering, whether or not that person has a disability.

It is not too late to hear from the Supreme Court of Canada on this issue. Canada could write a new law that includes a new, different, end of life criterion being very clear that this requirement exists to protect the rights and lives of people with disabilities including intellectual disabilities. There are examples of this type of clear definition in other jurisdictions that allow for medical assistance in dying.

This new law could be sent directly to the Supreme Court of Canada by a "Supreme Court reference."

The Supreme Court could weigh in on whether or not Canada has done a good job balancing Canadians' right to choose with people with disabilities' right to live without discrimination. Anything less puts the lives of people with disabilities in danger.

Vote 'no' on Bill C-7 and protect the lives of Canadians with disabilities.