



Canadian Association
for Community Living

Association canadienne pour
l'intégration communautaire

Diversity includes. On se ressemble.

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BC Supreme Court Ruling on Assisted Suicide Raises Profound Concerns for Canadians with Disabilities

Toronto, ON – The Canadian Association for Community Living (CACL) is profoundly concerned by the BC Supreme Court's ruling today in *Carter v British Columbia (Attorney General)* which strikes down as unconstitutional Criminal Code sanctions against assisted suicide. The court finds that the provisions “unjustifiably infringe equality rights” on the basis of physical disability. It will take some time to absorb the ruling and to fully understand its potential implications. However, one implication is clear: people with significant disabilities—whether or not they meet the threshold test of competency to consent to assisted suicide—are in a much more vulnerable place in Canadian society than they were before this ruling.

While the court outlined a number of procedural safeguards to protect against the application of assisted suicide to people who cannot independently consent, we believe such safeguards do not sufficiently protect against the risk of a ‘slippery slope’ the court rightly sought to address. Laurie Larson, President of CACL and a mother of two sons with significant disabilities said, “The slippery slope will be there for the growing number of Canadians who are born with or acquire significant disabilities through injury, illness or aging – not because malevolent family members try to coerce or hasten their death. The slope just got steeper because this ruling sends a message to all Canadians and reinforces what seems to be a deepening cultural shift: the idea that life is worse than death for people with certain experiences of disability.”

CACL is concerned that the court has not sufficiently accounted for the implications of its ruling for this group. The wider impact on people with intellectual disabilities is undeniable. The message to this group of Canadians is that their life, their presence in Canadian society, does not have equal value and that there is an ethical rationale and a legal justification for the active hastening and termination of their life. It is in precisely this context that the hugely disproportionate rates of violence against people with disabilities are bred. Our concern, therefore, is that rather than advancing equality rights for Canadians with disabilities, this ruling will have quite the opposite effect. We fear that by embedding in Canadian law the message that some forms of human life are less worth living, the historic disadvantages faced by Canadians with disabilities that the equality rights provisions of the *Canadian Charter of Human Rights and Freedoms* were to address, will only be more deeply entrenched.

We sense a confidence in the ruling that the risks can be contained. However, our members across the country are extremely uneasy about how this ruling will actually play out in the daily lives of Canadians with significant intellectual disabilities. As Joy Bacon, President of the New Brunswick Association for Community Living said, “It’s like saying you can predict a ripple effect.”

Catherine Frazee, former Chief Commissioner of the Ontario Human Rights Commission, and a member of the CACL Values and Ethics Task Force, who has written extensively on ethics, disability and human rights also expressed deep concern about the ruling: "Let us be mindful of the context for this decision: social conditions that are deeply inhospitable to people with disabilities, and a culture that prizes vigour and power and scorns dependence and decline. In such a context, adopting a more liberal approach to death-hastening measures will surely have dire consequences. Not only will the lives of people with disabilities be imperiled, but equality itself is undermined. Equality is in no way enhanced by mandating 'curb cuts' to a more accessible death."

The right to autonomy and self-determination, to non-discrimination and to informed consent require support and accommodation if equality is to be secured. However, CACL wonders if the application of support and accommodation in the name of equality has been stretched too far by the court in this circumstance. Michael Bach, CACL Executive Vice-President says the decision raises a number of questions. "What does it mean to give informed consent to one's own death? Is it meaningful to say that we can appreciate and understand the nature and consequences of that decision, when that decision means that we will no longer be here? Isn't autonomy about the right to non-interference, in the name of protecting one's integrity, not undermining it? Doesn't the right to self-determination only find meaning because we wish to lay claim to our future?"

It is recognition and enjoyment of these rights that have so often been denied to people with significant intellectual, psychosocial and physical disabilities. CACL finds little in this judgment that gives these rights more solid recognition and footing—indeed, their foundations seem diminished in its wake. CACL is hopeful that this judgment will be appealed.

For more information, or to arrange an interview please contact Michael Bach, CACL Executive Vice-President at mbach@cacl.ca, Laurie Larson at ynot2@sasktel.net or Catherine Frazee at cfrazee@ryerson.ca.

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The Canadian Association for Community Living is a national federation of 10 provincial and three territorial associations, comprising over 400 local associations and over 40,000 members, working to advance the human rights and inclusion of persons of all ages who have an intellectual disability.