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Canadian Association for Community Living
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Assisted Suicide Decision

Changes Landscape, Makes Disability a Defining Issue



Council of Canadians
with Disabilities
A VOICE OF OUR OWN

Conseil des Canadiens
avec déficiences
CETTE VOIX QUI EST LA NOTRE



50 years

Canadian Association
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FOR IMMEDIATE RELEASE
Toronto and Winnipeg: February 6, 2015

Today's decision of the Supreme Court fundamentally alters end-of-life for all Canadians. The Council of Canadians with Disabilities (CCD) and the Canadian Association for Community Living (CACL) are profoundly disappointed by today's ruling and extremely concerned about the implications of the ruling.

An immensely important discussion must now begin with Canadians and politicians at all levels, with civil society, health professions and the legal community. We start from the premise that the lives of Canadians with disabilities are worthy of the utmost respect. Such respect, regrettably, cannot be taken for granted.

To begin this critical discussion, we offer the following questions, reflections and commitments:

As we each near the end of our lives, at the time when we are likely to be most vulnerable to despair and fear, we have now lost the protection of the Criminal Code. Where shall we now find that protection? CCD and CACL caution that our collective response to this question must go far beyond the technical exercise of so-called "safeguards".

In the final stages of a terminal illness, at the time when grief and fear may be most powerfully present in our lives, Canadians must now decide for themselves whether life is worth living. Among them are the most vulnerable Canadians, those who are dependent on others, and who are relegated to the margins of social and economic participation. We must not allow them to be diminished again in the coming discussions about their own end of life options.

At the time when our physical powers fail us, every Canadian will now be obliged to calculate how much love and support is too much to ask of others. How shall we ensure that the needs of the dying are not by default secondary to the well-being of the living?

As we contemplate the changes about to unfold in the wake of this decision, our elected officials must take notice of the pressing questions that are of urgent concern to Canadians with disabilities. To what extent do conditions of poverty, exclusion and lack of support actually restrict autonomy, and erode the human will to live among dependent Canadians? Will our governments stand firm in maintaining and expanding home care services and supports for community/independent living? Will our national commitment to suicide prevention extend to persons with disabilities and degenerative conditions? Most critically, will access to palliative care become a universally available health care service to provide needed support and choice at the end of life?

What happens now? In the days ahead, members of CCD and CACL will review the judgment in detail, seeking to grasp its full implication and to comprehend the Court's dramatic departure from a legal precedent established 22 years ago in *Rodriguez v British Columbia*. And in the months and years to come, we will redouble our efforts to secure conditions of equal respect and robust citizenship for all Canadians with disabilities. The stakes are higher now than ever before.

Debate leading up to this legal decision has too often been polarized and divisive. CCD and CACL know that Canadians wish to be compassionate. CCD and CACL are resolved to work creatively and in good faith to build solidarity among justice seeking communities as we embark upon the journey invoked by today's Court's ruling.

There are difficult days ahead. The Canadian disability movement remains united in our claim that the lives of people with disabilities matter. We speak with one voice in our condemnation of all forms of discrimination and abuse. We affirm together our entitlement to live good lives in places and conditions of our choosing. Consistent with our long history of fearless and principled advocacy, we now join with fellow citizens across the full spectrum of views on end-of-life in an urgent call for universal, unencumbered access to the highest possible standard of palliative care in Canada.

In the dialogue to come, we urge respect, openness and assurance that Canadians with disabilities and our representative organizations can fully participate, in full confidence that our experience, voices and knowledge are valued. We seek wise decisions guided by the values of diversity and inclusion that define us and underpin our Canadian society.

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Commentary on SCC Assisted Suicide Judgment in *Carter v. Canada* – Key Concerns

The judgment creates the potential for the most permissive and least restrictive criteria for assisted suicide in the world, putting persons with disabilities at serious risk.

CCD and CACL are disappointed that the views of people with disabilities in Canada, as shared by the leading disability advocacy groups around the world, were disregarded by the Court.

The Court did not impose a requirement of terminal illness, as is required in the states of Washington and Oregon.

The judgment permits assisted suicide on the basis of psychological suffering.

This places people with serious mental and emotional disabilities at risk, as well as people who have not yet come to grips with their disability.

The judgment allows people to decline palliative and other care that would alleviate their suffering, and imposes an obligation on the state to provide Assisted Suicide, but not palliative care.

The Court has focused on striking the law using two potentially expansive criteria –in doing so, it paid no attention to ensuring Assisted Suicide is limited to a small number.

The judgment makes the existence of a “grievous and irremediable medical condition”, rather than a terminal illness, one of the two primary criteria – this potentially means that all persons with a serious disability in Canada can access Assisted Suicide. This degree of permissiveness does not exist anywhere

else in the world.

The second criteria, “intolerable suffering,” is completely subjective and will make it difficult to review decisions of doctors like Dr. Kevorkian who felt the existence of a disability was intolerable.

Numbers are revealing – in Belgium, the number of Assisted Suicide deaths has increased an average of 47.77% annually since 2003, and in the Netherlands it has increased 64.13% since 1995, with no end in sight to this increase.

Parliament can and should act to place crucial safeguards on the Court’s judgment to limit access to assisted suicide

CCD and CACL call on Parliament to show national leadership on the issues of palliative and long-term care to reduce the number of people who will choose assisted suicide out of desperation because they do not have access to support systems to ease their end of life.

For the CCD/CACL Factum to the Supreme Court of Canada see
<http://ccdonline.ca/media/humanrights/carter-factum-ccd-cacl-14-08-28.pdf>

CCD and CACL representatives will be available for comment following the Supreme Court decision Friday:

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Download the full version of the press release in [English](#) or [French](#)
[Download](#) CCD-CACL Key Concerns document regarding the Assisted Suicide decision

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