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Canadian Association  
for Community Living

Association canadienne pour  
l'intégration communautaire

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## Position on Assisted Suicide

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### Context

The issue of assisted suicide has recently been brought before the courts in British Columbia and Quebec and continues to be brought before Parliament in the form of private members' bills. It has emerged as an issue at the forefront of media and public attention and there is the appearance of growing support for measures to remove the *Criminal Code* prohibition against provision of assistance in suicide.

CACL has in the past held considerable discussions of these issues, has produced background papers and reports, has debated and passed resolutions at the Annual General Meeting, has issued media response and has engaged with other groups active on the issue. However, to this date, CACL has not had a clear position on the issue to guide its efforts.

### Purpose

The purpose of this position is to make clear CACL's position on the legalization of assisted suicide and the removal of *Criminal Code* prohibitions on providing assistance in suicide; to articulate our concerns about the legalization of assisted suicide; and to register our concerns about the use of sections 7 and 15 of *The Charter of Rights and Freedoms* to guarantee assisted suicide as a right protected by law and arrived at through an equality rights analysis and finding of discrimination on the grounds of disability.

### Position

In forming this position on assisted suicide we are guided by our Statement of Values and Beliefs and in particular our belief in and value of the inherent, inalienable and equal dignity of all persons.

We are further guided by the United Nations Convention on the Rights of Persons with Disabilities, and in particular Article 10 in which "States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others," and Article 25 in which "States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability."

We stand firmly on the principle that people with disabilities must enjoy autonomy and have the right to make choices about their lives—important choices as well as everyday choices. We recognize and affirm the rights of persons with disabilities to make decisions about their lives that include refusal of medical treatments and other health care decisions as provided for under Canadian law.

Our position is motivated and formed in response to the following concerns:

- We are concerned by the characterization of human dignity as tied to functional capacities or characteristics or that position dignity as inconsistent with reliance on human and other supports. Such a characterization trivializes the meaning of dignity and denigrates the lives of people who rely on such supports. The need for help with routine matters of life involving intimate personal care does not disqualify a person from dignity.
- We are concerned by any ruling or law that equates a reliance on human and other supports for routines of daily life as an ‘indignity’ that validates a claim to have assistance in death. For the courts to interpret the concept of dignity as such inflicts harm on an entire group of people and undermines a cornerstone principle of the claim that people with disabilities make to equal status and regard in the human family. We believe that there are dangerous implications if one person’s ‘indignity’ is another person’s daily routine of life.
- We are concerned by and reject the characterization of life with a disability as a life of suffering worse than death, and the related notion that existential pain experienced as a result of disability is a justification for assistance in ending one’s life.
- We are concerned by and reject the suggestion that suicide is an expression of autonomy, freedom or liberty. Suicide is an act that is, by its nature, a matter of an individual’s sovereignty over their body—but it is not a freedom, liberty or expression of autonomy that is afforded the protection of law. In stating this concern, we affirm that the appropriate responses to an act or attempt at suicide are interventions aimed at supporting healing or grieving rather than criminal punishment and we recognize and affirm this objective in the removal of suicide from the *Criminal Code*.
- We are concerned by and reject the notion of suicide as a right, and the suggestion that the law is discriminatory because it denies this right to some but not others. The laws do not prohibit suicide but do deny assistance to guarantee choice of method, means and timing of death by suicide. This choice is denied to all people, and these laws have as their purpose the preservation of a societal respect for life.
- We are concerned by and reject physician assisted suicide as an adequate societal response to pain—physical, emotional or existential—and distinguish the issues of access to end-of-life care and pain control from the issue of removing assistance in suicide from the *Criminal Code*. We find the call for legalization of assisted suicide a disproportionate response to issues of health care that would be more appropriately addressed through quality palliative and end-of-life care and pain

control and call for improvements in access and adequacy of such services.

- We are concerned for any provision that would guarantee access to assistance in death at a time when people with disabilities lack any such guarantee with respect to assistance and supports that can improve quality of life.

It is our position that provisions of the *Criminal Code* that prohibit providing assistance in suicide should remain intact. Further, it is our position that assistance in suicide is not a right and should not be guaranteed by way of a disability and equality rights analysis through section 7 and section 15 of the *Charter of Rights and Freedoms*. It is our position that such an analysis depreciates *Charter* values and trivializes the rights that have been hard fought for and hard won under this guarantee of equality, and damages, rather than advances, the equality of persons with disabilities.

## **Actions Needed**

Since the fundamental rights and wellbeing of people with disabilities are threatened by these directions, CACL will engage in discussion of these concerns within the disability community and with the public at large; take proactive steps to share our position in forums concerned with law reform in the area; and engage leadership development among people with disabilities, their families and community leaders to develop and support champions within our movement and beyond on this issue.

### **Resolution 2013-1: CACL Position on Assisted Suicide**

**WHEREAS** it is our position that provisions of the *Criminal Code* that prohibit providing assistance in suicide should remain intact;

**BE IT RESOLVED THAT** it is our position that assistance in suicide is not a right and should not be guaranteed by way of a disability and equality rights analysis through section 7 and section 15 of the *Charter of Rights and Freedoms*.

**AND FURTHER** it is our position that such an analysis depreciates *Charter* values and trivializes the rights that have been hard fought for and hard won under this guarantee of equality, and damages, rather than advances, the equality of persons with disabilities.

Passed by CACL membership at the December 1, 2013 Annual General Meeting.