



CANADIAN ASSOCIATION
FOR COMMUNITY LIVING

ASSOCIATION CANADIENNE POUR
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Council of Canadians
with Disabilities

Conseil des Canadiens
avec déficiences

September 12, 2019

CACL and CCD Call for Appeal of Distressing Quebec Superior Court Decision that Devalues the Lives of Persons with Disabilities

The Quebec Superior Court has struck down a fundamental protection for the equality rights and inclusion of the elderly, ill and persons with disabilities in Canada's medical assistance in dying legislation. At present, only persons whose natural death is reasonably foreseeable meet the legal requirements for a medically-assisted death. On September 11th, however, in a highly contentious decision, Justice Christine Baudouin struck down this requirement, declaring that it violates the constitutional rights of Jean Truchon and Nicole Gladu.

Jean Truchon and Nicole Gladu have disabilities. They challenged the reasonable foreseeability of natural death criterion, arguing that their disability-related suffering should qualify them for medical assistance in dying, regardless of whether or not they are dying. The Court accepted their arguments, striking down the requirement on the basis of sections 7 (life, liberty and security of the person) and 15 (equality rights) of *the Canadian Charter of Rights and Freedoms*.

This news is profoundly disturbing to the disability-rights community, including the Canadian Association for Community Living (CACL) and the Council of Canadians with Disabilities (CCD), which intervened in the case.

"We're shocked and disappointed," said Joy Bacon, President of CACL. "The end of life criterion is designed to ensure that life with a disability is never painted as a life worse than death in Canada. Preventing the devaluation of persons with disabilities is a clearly stated objective of this legislation. Without the criterion, the equality rights of persons with disabilities will be greatly threatened and diminished. Today, we feel let down by the court."

In its decision, the court rejected that the objective of avoiding negative perceptions of the quality of life of the elderly, ill, and persons with disabilities is a valid objective for the legislation. We trust that the federal government will appeal the court's rejection of Parliament's will.

"All hope is not lost" Dr. Heidi Janz, Chair of CCD's End of Life Ethics Committee reflected, "I think we all know that this case is destined for the Supreme Court of Canada. This troubling lower court judgement now makes that imperative."

Krista Carr, Executive Vice-President of CACL added, "In its wisdom, Parliament struck a delicate balance in this legislation required to ensure equality protections for the elderly, the ill, and persons with disabilities. The federal government has been a great supporter of the law, and so we have every reason to expect an appeal. A whole community - people with disabilities, their friends, families, and allies - feel overlooked and unheard right now. I trust that this vital conversation will continue at the upper courts. It simply has to."

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CACL is composed of ten provincial and three territorial associations, with over 400 local associations spread across the country and more than 40,000 members. CACL leads the way in helping Canadians build an inclusive Canada by strengthening families, defending rights, and transforming communities into places where everyone can belong.

CCD is a national human rights organization of people with disabilities working for an inclusive and accessible Canada. CCD champions the voices of people with disabilities, advocating an inclusive and accessible Canada, where people with disabilities have full realization of their human rights, as described in the UN Convention on the Rights of Persons with Disabilities.