

February 8, 2021

Dear Members of Parliament and Senators:

Christian Legal Fellowship is a Canadian NGO in special consultative status with the United Nations Economic and Social Council. As part of our role, we work to improve decisionmakers' understanding of Canada's international obligations, monitor Canada's compliance with those commitments, and report on our work to the United Nations every four years.

In previous submissions, we have alerted Parliament to the concerns of UN experts regarding Canada's compliance with the UN *Declaration on the Rights of Persons with Disabilities*.¹ We continue to share those concerns.

We write today to bring an urgent concern to your attention regarding Bill C-7, which was specifically flagged [in a letter jointly issued](#) by the UN's Special Rapporteur on the rights of persons with disabilities, the UN's Independent Expert on the enjoyment of all human rights by older persons, and the UN's Special Rapporteur on extreme poverty and human rights (the "UN experts").

In their letter, dated February 3, 2021, the UN experts express apprehension that Bill C-7 would, if passed:

- (1) be inconsistent with Article 3 of the *Universal Declaration of Human Rights*, Article 6(1) of the *International Covenant on Civil and Political Rights* (ICCPR) and Article 10 of the *Convention on the Rights of Persons with Disabilities* (p. 4);
- (2) "be contrary to Canada's international obligations to respect, protect and fulfil the core right of equality and non-discrimination of persons with disabilities" (p. 4);
- (3) create and/or reinforce negative, ableist social assumptions, including that "it is better to be dead than to live with a disability" (p. 5);
- (4) have a discriminatory impact, by "singling out the suffering associated with disability as being of a different quality and kind than any other suffering" and thereby potentially subjecting "persons with disabilities to discrimination on account of such disability" (p. 6); and,
- (5) "result in a two-tiered system in which some would get suicide prevention and others suicide assistance, based on their disability status and specific vulnerabilities" (p. 7).

The reasons underlying these conclusions are set out in the UN experts' letter, and we will not repeat them here. We do wish to highlight, however, that this letter is only the most recent in a long line of concerns expressed in UN reports since 2017 regarding Canada's implementation of medical assistance in dying. To date, we know of no response from the federal government to these concerns, or to the recommendations proposed in the UN reports, which we summarize below, for your reference:

¹ See, for example, CLF's submissions to the Standing Committee on Justice and Human Rights (31 Oct. 2020, [English](#), [French](#)) and to the Standing Senate Committee on Legal and Constitutional Affairs (18 Nov. 2020, [English](#), [French](#)).

- In May 2017, the [UN Committee on the Rights of Persons with Disabilities](#) expressed concerns about Canada’s “adoption of legislation that provides for medical assistance in dying, including on the grounds of disability” and issued a number of recommendations.
- In April 2019, Catalina Devandas-Aguila, former [UN Special Rapporteur on the rights of persons with disabilities](#) completed her visit to Canada and expressed that she was “extremely concerned about the implementation of the legislation on medical assistance in dying from a disability perspective”.
- In December 2019, the former UN Special Rapporteur repeated these concerns in her [final report](#), and issued a number of recommendations to the Government of Canada to address them; she further expressed concern to the UN Human Rights Council that “[t]he recent [*Truchon*] judgment of the Superior Court of Quebec might put additional pressure on persons with disabilities”.
- In March 2020, the UN Human Rights Council [received a report](#) from the UN Special Rapporteur on the rights of persons with disabilities, which expressed concern about ableist stereotypes in debates that impact the rights of persons with disabilities, including those related to assisted dying; the report identified multiple serious risks posed by “legalizing euthanasia and assisted suicide”, especially when “normalized outside the end stage of terminal illness”.
- In January 2021, Gerard Quinn (the Special Rapporteur on the rights of persons with disabilities), Olivier De Schutter (the Special Rapporteur on extreme poverty and human rights), and Claudia Mahler (the Independent Expert on the enjoyment of all human rights by older persons), issued a [joint statement](#) expressing “alarm” about legislation that would expand access to assisted dying “based largely on having a disability or disabling condition”, emphasizing that “[d]isability should never be a ground or justification to end someone’s life directly or indirectly”;
- In February 2021, these three UN experts [further observed](#) that the concerns expressed in previous UN reports “appear heightened with respect to [Bill C-7] and especially because it appears irremediably entangled in ableist assumptions about persons with disabilities.”

We also bring to your attention the October 14, 2020 [Lawyers’ Joint Statement](#), endorsed by more than 140 Canadian lawyers, academics, and law students - as well the Hon. David Onley, former Lieutenant Governor of Ontario - expressing concern that Bill C-7 will undermine Canada’s international commitments. As a State Party to the *Convention on the Rights of Persons with Disabilities*, Canada has affirmed that “every person has the inherent right to life”, and must “take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others” (Article 10).

We therefore urge you, as Members of Parliament and Senators, **to suspend any further advancement of Bill C-7 until the following steps are completed.**

- 1) The Government of Canada must demonstrate that it has implemented the May 2017 recommendations of the UN [Committee on the Rights of Persons with Disabilities](#) to:
 - “(a) Ensure persons who seek an assisted death have access to alternative courses of action and to a dignified life made possible with appropriate palliative care, disability support, home care and other social measures that support human flourishing;
 - (b) Establish regulations pursuant to the law requiring collection and reporting of detailed information about each request and intervention for medical assistance in dying;

- (c) Develop a national data standard and an effective and independent mechanism to ensure that compliance with the law and regulations is strictly enforced and that no person with disability is subjected to external pressure.”
- 2) The Government of Canada must demonstrate that it has implemented the [December 2019 recommendations](#) of the UN Special Rapporteur on the rights of persons with disabilities to:
 - (a) “investigate allegations concerning persons with disabilities in institutions being pressured into seeking medical assistance in dying” and
 - (b) “establish adequate safeguards to ensure that persons with disabilities do not request assistive dying simply because there are no community-based alternatives or palliative care.”
- 3) The Government of Canada must demonstrate that it has implemented the [December 2019 recommendations](#) of the UN Special Rapporteur on the rights of persons with disabilities to:
 - (a) “Conduct extensive discussions with the active participation of organizations representing persons with disabilities” in any debate surrounding assisted dying, and “pay particular attention to the social factors that may affect the decisions of persons with disabilities in relation to assisted dying, including ableism, social stigma and discrimination, societal views on the quality of life of persons with disabilities and the availability of community support and services, social protection programmes and palliative care”
 - (b) Ensure that “the free and informed consent of persons with disabilities must be secured on all matters relating to assisted dying and all forms of pressure and undue influence prevented”
 - (c) Ensure that “access to appropriate palliative care, rights based support (see [A/HRC/34/58](#)), home care and other social measures must be guaranteed; decisions about assisted death should not be made because life has been made unbearable through lack of choices and control”
 - (d) Ensure that “accurate information about the prognosis and availability of peer-support counselling” is provided to anyone seeking assisted dying
 - (e) Establish accountability regulations “requiring collection and reporting of detailed information about each request and intervention for assistance in dying”

These steps are necessary, not only in light of Canada’s international obligations, but Bill C-7’s own affirmation that “Canada is a State Party to the United Nations Convention on the Rights of Persons with Disabilities and recognizes its obligations under it, including in respect of the right to life”. Bill C-7’s Preamble also states that “Parliament affirms the inherent and equal value of every person’s life and the importance of taking a human rights-based approach to disability inclusion.”

We urge you to ensure that these words represent *meaningful affirmations*, not empty rhetoric, by taking immediate action in response to the UN experts’ recommendations, and the [concerns](#) expressed by [many in the disability community](#). It is crucial that the Government does so now, and certainly *before* Bill C-7 is rushed into law.

Thank you for your consideration and attention to these concerns.

Sincerely,

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