



## Citizens With Disabilities – Ontario

[www.cwdo.org](http://www.cwdo.org)

### “Together We Are Stronger”

c/o Green and Associates Law Offices  
712-170 Laurier Avenue West, Ottawa ON K1P 5V5  
807-473-0909 (voice) or [cwdo@tbaytel.net](mailto:cwdo@tbaytel.net)

---

March 25, 2016

Citizens With Disabilities – Ontario (CWDO) commends the federal government for committing in its budget to take the important step to consult on a Canadians with Disabilities Act. Such legislation will ensure that people with disabilities are able to live with dignity all across this great country.

However, we must express our concern about the recently released *Report of the Special Joint Parliamentary Committee on Physician-Assisted Dying*, which we fear will undermine all the positive things we hope to achieve with a Canadians with Disabilities Act.

**We ask that you oppose the passage of any legislation which will undermine the precarious position of people with disabilities in Canadian society. Please speak out in favor of strong safeguards to protect people with disabilities from unwanted pressure to "choose" assistance to commit suicide when the real disability is a lack of community and medical supports, resources, and inaccurate perceptions and stereotypes of the positive aspects of living with a disability.**

**We also ask that you declare your support for the Vulnerable Persons Standard, and encourage your colleagues to do the same.**

#### **About CWDO**

CWDO is committed to the rights of all persons to participate fully in the civil, cultural, economic, political and social life of their communities. We actively promote the rights, freedoms and

responsibilities of persons with disabilities through community development, social action, and member support and referral.

Our primary activity is public education and awareness about the social and physical barriers that prevent the full inclusion of persons with disabilities in Ontario.

We have over 2000 members in almost every electoral district in Ontario and provide a newsletter to our subscribers to inform them of CWDO's activities and to report on relevant issues and developments.

### **CWDO's Recommendations**

CWDO set out a number of safeguards that are important to protect our most vulnerable citizens – often people with disabilities and seniors. These were submitted to both the federal External Panel on Options for a Legislative Response on the Carter Decision and the Provincial / Territorial Expert Panel on Physician-Assisted Suicide during the consultation process.

CWDO was concerned that the recommendations of the Joint Parliamentary Committee potentially will do great harm to people with disabilities. The most troubling recommendations include:

- Recommendation 2: extending the right to medical assistance in dying (MAID) to people who do not have terminal illnesses, making people with physical or mental disabilities vulnerable to having this "choice" imposed upon them or being consciously or unconsciously induced to make this choice
- Recommendation 3: extending the right to MAID to people with psychiatric conditions, making people very vulnerable at low points in their life during cyclical episodes.
- Recommendation 4: equating physical and psychological suffering as a way to justify MAID for people with mental illness – a group that already experiences tremendous discrimination, misunderstanding, and avoidance. (See the most recent report of the Ontario Human Rights Commission, [By the Numbers](#))
- Recommendation 6: That the right to access MAID be extended to competent mature minors, no later than three years after the first stage has come into force. We believe it is utter madness to extend MAID to minors. The *Carter* decision spoke only to adult rights, so the Joint Committee has gone well beyond the mandate set out in *Carter*.

- Recommendation 7: permitting advance requests for medical assistance in dying any time after one is diagnosed with a condition that is reasonably likely to cause loss of competence or after a diagnosis of a grievous or irremediable condition but before the suffering becomes intolerable. We are deeply concerned that this would enable people to make a decision based on their perception or stereotype of what life would be like with a particular disability. It will serve to further erode public perception about the quality of life for persons with a disability and serve to perpetuate very negative stereotypes.

### **Problems with the Joint Committee’s Recommendations**

While the Joint Committee acknowledges the need for palliative care and community services to reduce the risk that vulnerable persons will be induced or coerced to choose MAID, they did not make any recommendations in this regard, with the exception of making palliative care available to indigenous persons. The only way that MAID could be offered in a way that would not be totally threatening to persons with disabilities would be to ensure that an appropriate array of services is in place and readily available when needed. Otherwise, MAID simply becomes the cheapest medical option and leads the way to eliminating the most vulnerable among us.

- The government must reject legalizing MAID for people with psychiatric conditions and dementia.
- The government must reject legalizing MAID for minors, “mature” or otherwise.
- The government must insist upon a comprehensive array of community and medical services, including palliative care, that are available when needed across the country.
- The government must insist upon full transparency regarding the situations under which MAID is provided and publish annual statistics such as the number of people, by doctor, who are killed under the authority of this legislation.

We have attached our submission for your ease of reference and to provide you with more information.

If the Joint Committee’s recommendations are enacted in new federal legislation, it would remove virtually all restrictions on accessing physician-assisted death and significantly exceed the guidance provided by Canada’s Supreme Court. Whereas the Carter decision was intended to support a very small number of people in specific

situations, the Joint Committee is already recommending a much broader net.

The federal government needs to take more care. Any new legislation must balance equitable access with appropriate safeguards for people who, because of their physical, cognitive or psychosocial vulnerability, may be more susceptible to suicide.

### **Vulnerable Persons Standard**

In this regard, we would like to recommend to you a new series of safeguards recently endorsed by a wide range of community and health organizations across Canada. The Vulnerable Persons Standard is a series of evidence-based safeguards designed to protect the lives of vulnerable Canadians. It has been developed by leading Canadian physicians, health professionals, lawyers, ethicists, public policy experts, and advocates, and disability organizations like CWDO.

We believe that the Vulnerable Persons Standard will help to ensure that Canadians requesting assistance from physicians to end their life can do so without jeopardizing the lives of vulnerable persons who may be subject to coercion and abuse.

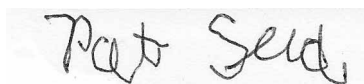
You can learn more about the Standard at [www.vps-npv.ca](http://www.vps-npv.ca).

### **We Call on You to Speak Out in Favour of Safeguards**

We ask that you declare your support for the Standard, and encourage your colleagues to do the same.

We also ask that you oppose the passage of any legislation which will undermine the precarious position of people with disabilities in Canadian society. Please speak out in favor of strong safeguards to protect people with disabilities from unwanted pressure to "choose" assistance to commit suicide when the real disability is a lack of community and medical supports, resources, and inaccurate perceptions and stereotypes of the positive aspects of living with a disability.

Sincerely,



Pat Seed, Chairperson