

# **The Protection of Persons with Disabilities**

**Summary brief submitted to the**

**Special Joint Committee on Medical Assistance in Dying**

**By  
Inclusion Canada**



Canadians with disabilities are not expendable. And yet, under Canada's amended MAiD legislation, Rosina Kamis died because she couldn't secure adequate pain relief or support. She had to fundraise for food in her final days. In a YouTube video<sup>1</sup> filmed before her death, Rosina is recorded as saying "in Canadian society, we have a culture of killing instead of caring... Nobody is holding my hand... If I were to die, nobody is going to grieve. The government doesn't give you enough money to survive. I don't want to accept institutionalization."

"Sophia" died because she couldn't secure accessible affordable housing that would lessen symptoms of Multiple Chemical Sensitivities. She lived between two rooms in her apartment, what she called her "enclosure." She had asked for help for years. In fact, Bonnie Brayton of the DisAbleD Women's Network told the Justice Committee about "Sophia" under a different pseudonym when the committee was studying Bill C-7<sup>2</sup>. "Sophia" is quoted by CTV news as saying "The government sees me as expendable trash, a complainer, useless and a pain..."<sup>3</sup>

"Denise", like "Sophia" cannot secure housing to lessen symptoms of Multiple Chemical Sensitivities and has applied to die by MAiD<sup>4</sup>. Richard Ewald<sup>5</sup> and Alexis Wilson<sup>6</sup> are each pursuing MAiD as an alternative to abject poverty. "Madeline" <sup>7</sup>plans to die by MAiD when she can no longer afford pain relief.

These cases have been captured through the media. We know through our networks of others motivated by social rejection and internalized stigma<sup>8</sup>, which is undoubtedly perpetuated by a MAiD law which differentiates and devalues. Further expansion of MAiD would be unconscionable and a profound betrayal of Canadians with disabilities.

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<sup>1</sup> [\(184\) Why did I apply for euthanasia? - YouTube](#) and [\(184\) Is euthanasia the only solution? - YouTube](#)

<sup>2</sup> Brayton, Bonnie. Nov. 12, 2020. Before the Standing Committee on Justice and Human Rights. <https://openparliament.ca/committees/justice/43-2/7/bonnie-brayton-1/>

<sup>3</sup> CTV news. Apr. 14, 2022. Woman with chemical sensitivities chose medically assisted death after failed bid to get better housing. <https://www.ctvnews.ca/health/woman-with-chemical-sensitivities-chose-medically-assisted-death-after-failed-bid-to-get-better-housing-1.5860579>

<sup>4</sup> CTV news. May 4, 2022. Woman with disabilities nears medically assisted death after futile bid for affordable housing. <https://www.ctvnews.ca/health/woman-with-disabilities-nears-medically-assisted-death-after-futile-bid-for-affordable-housing-1.5882202>

<sup>5</sup> CityNews. April 21, 2022. ODSP recipients urge Ford government to increase payments, say it's impossible to live on. <https://toronto.citynews.ca/2022/04/21/odsp-payments-ontario-ford-election/>

<sup>6</sup> CBC news. April 28, 2022. This woman with disabilities gets only \$1,169 a month. She hopes the Ontario election changes that. <https://www.cbc.ca/news/canada/toronto/odsp-rates-election-issue-1.6433163>

<sup>7</sup> Canadaland.2021. "When I run out of money I die" <https://www.canadaland.com/madeline-medical-assistance-in-dying-priced-out-of-life/>

<sup>8</sup> The below is a short quote from a case report from the Netherlands. We ask the committee to trust that we are aware of comparable cases here in Canada. "The patient suffered from the fact that he had a great need for closeness with others... He suffered from his continuous yearning for meaningful relationships and his repeated frustrations in this area, because of his inability to deal adequately with closeness and social contacts."

Tuffrey-Wijne et al. 2018. "Euthanasia and assisted suicide for people with an intellectual disability and/or autism spectrum disorder: an examination of nine relevant euthanasia cases in the Netherlands (2012–2016)." *BMC Medical Ethics* 19:17

Inclusion Canada asserts that reasonable foreseeability of death is the only safeguard that can adequately protect the rights of Canadians with disabilities. We ask the Special Joint Committee to report to government what the disability rights community has made abundantly clear: **The only way to ensure the “protection of persons with disabilities” is to stop exceptionalizing their suffering, to reinstate an end-of-life requirement in the law, and to alleviate the structural and systemic conditions that make life intolerable for so many persons with disabilities.**

### Considering Further Expansion:

The Special Joint Committee is tasked with considering at least three areas of potential expansion of MAiD: to mature minors, by advanced request, and on the basis of mental illness. In doing so, we urge the committee to adhere to a social model of disability, as has been accepted by the Supreme Court of Canada. This will shine light on the social conditions that disable or cause intolerable suffering through the prejudice, discrimination, and the lack of a right to needed and readily available supports. A society that provides ready access to a state administered death on the basis of disability prior to ensuring every means to enable individuals with disabilities to live lives comparable to those without disabilities has lost its moral compass.

Through Bill C-7, Canada made disability, a protected ground in the *Charter*, a defining component for when it is legal and socially acceptable to end a life. By targeting only disability-related suffering for assisted death, MAiD legislation signals that the lives of people with disabilities are less valuable and less worthy of preservation than others. UN experts have warned the amended legislation will have a discriminatory impact on persons with disabilities who are not nearing death and would risk reinforcing ableist assumptions about the value or quality of life of persons with disabilities<sup>9</sup>. Our position is that targeting people with disabilities for decriminalizing the imposition of death under the Criminal Code is discriminatory and contrary to s. 15 of the Charter. Expansion will render this legislation even more vulnerable to constitutional challenge.

Our provincial and territorial partners are submitting briefs that provide more detail on the issues on MAiD for mature minors, on the basis of mental illness, and by advanced requests, and on the state of palliative care in Canada. Please consider our position to be in alignment with those brought forward by Inclusion Saskatchewan, Inclusion Alberta, Community Living Ontario, and the New Brunswick Association for Community Living.

*Inclusion Canada is a national federation of 13 provincial-territorial associations and over 300 local associations working to advance the full inclusion and human rights of people with an intellectual disability and their families. Inclusion Canada leads the way in building an inclusive Canada by strengthening families, defending rights, and transforming communities into places where everyone belongs.*

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<sup>9</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26002>