

Assisted suicide – consider the evidence

Tomorrow, the Supreme Court of Canada will hear argument in an appeal which seeks to strike down Canada's Criminal Code prohibition against assisting suicide. The appeal is mobilized by the BC Civil Liberties Association and supported by Death with Dignity advocates across the country, many of whom will take to the streets to urge Canadians to "stand on the side of history for assisted dying".

But to whose history do they refer?

We share most of a demographic profile – I'm a 60+ boomer, white, middle-class, secular and accustomed to calling the shots in the domains of my daily life.

We also share an unwavering desire to see the very best of palliative care services realized under the Canada Health Act, for it is to our collective shame that, according to the Canadian Institute for Health Information, only [16% to 30% of Canadians currently have access to appropriate palliative and end-of-life care](#).

Further, we share a conviction that the debate about euthanasia and assisted suicide is of critical importance to the people of Canada, for the outcome of this debate will define us, shaping the nature and extent of our compassion towards fellow citizens who are frail and suffering.

But when I tune in on Wednesday to watch the case [webcast](#), I shall be standing not with Dying with Dignity but with millions of Canadians with disabilities and their families, ordinary Canadians who have laboured for decades to secure a vision of equality, dignity and liberty that includes us all. It's that history that won the day in Canada's internationally-regarded *Charter of Rights and Freedoms* in 1982. It's that history that is at stake in this debate.

As a disabled Canadian, I'll be listening carefully on Wednesday to the [submissions](#) of the [Council of Canadians with Disabilities](#) and the [Canadian Association for Community Living](#). I hope the justices of the Supreme Court will do likewise, for the evidence that these interveners will cite in their submissions is evidence too often overlooked in the sound-bite rhetoric that dominates the 6 PM news.

That evidence comes directly from other jurisdictions which have taken a permissive approach to euthanasia and assisted suicide. From the European experience, the Court will consider evidence that calls into question the possibility of reliable safeguards: an ever-widening net of persons and circumstances "eligible" for euthanasia – incarcerated persons, seniors with non-life-threatening conditions such as arthritis, persons with psychiatric diagnoses including depression, persons who are lonely or tired of living, and most recently, children of any age, with the agreement of their parents.

As Etienne Montero, Dean of the Faculty of Law at the University of Namur in Belgium cautions, "Eleven years of experience in Belgium has taught us that it is illusory to think that euthanasia can be allowed as a narrowly circumscribed, well-defined exception practiced in a rigorously controlled manner."

Rather, as Utrecht University ethicist Theo Boer observes, euthanasia is “[on the way to becoming a default mode of dying](#)”. Dutch statistics demonstrate annual 15% increases in assisted deaths since 2008.

And from Oregon, where medically assisted suicide has been legal since 1997, Canada’s disability rights community locates its most nuanced argument. Annual statistics reported by the Oregon Department of Human Services document the three most common reasons for choosing assisted suicide: “[concerns about losing autonomy, being less able to engage in activities that make life enjoyable and loss of dignity](#)”.

On the face of it, these may appear to be reasonable, *private* decisions about the conditions that make life intolerable. But by sanctioning medical assistance to end a life for these reasons, when physical dependence and limitation are accepted uncritically as reasons to die, disability prejudice is elevated to the level of public policy.

A great many people with disabilities, myself included, require supports of the most intimate kind in order to move through and participate in the world. We are bathed by workers’ hands, lifted onto bedpans, hooked up to tubes, clothed with diapers and hoisted into wheelchairs as routine features of our daily lives. That we do so, with our dignity intact and our quality of life undiminished, is inconceivable to those who believe that life must be lived full-strength in order to be rich and satisfying.

This gap of perception is no small matter, for it is the soil upon which ableism – a belief in the superiority of nondisabled experience – takes root.

Judges attuned to the promise of equality affirmed in the *Charter of Rights and Freedoms* will surely recognize all that is at stake in this single, pivotal claim.

Catherine Frazee is Professor Emerita at the School of Disability Studies at Ryerson University, and former Chief Commissioner of the Ontario Human Rights Commission. Some of her recent writings on the subject of disability and assisted suicide can be found at <http://fragileandwild.com/supplementals/end-of-life/>