Submission on the Draft General Comment on the Right of Persons with Disabilities to Equality and Non-Discrimination

**Minnesota Citizens Concerned for Life Education Fund**

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The Minnesota Citizens Concerned for Life Education Fund encourages the Committee on the Rights of Persons with Disabilities to make two additions to its Draft General Comment No. 6 on the right of persons with disabilities to equality and non-discrimination (Article 5 of the Convention on the Rights of Persons with Disabilities).

*Euthanasia*

Euthanasia and assisted suicide are practiced in different forms in a number of different countries. Those who seek euthanasia typically do so because they are concerned about losing their autonomy, becoming unable to participate in certain activities, becoming a “burden” on others, and similar worries. These are the concerns that often accompany disability.

Laws authorizing euthanasia, in effect, make certain disabled persons eligible for intentional killing while leaving in place protection for everyone else. Non-disabled persons who seek suicide are (or should be) provided with suicide prevention help. Disabled persons who meet the law’s requirements, however, are deemed eligible for suicide assistance or euthanasia.

This unequal treatment under the law is a violation of Article 5 of the Convention on the Rights of Persons with Disabilities: “All persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.” The Draft General Comment explains that “the phrase ‘equal protection of the law’ ... demands that [national legislatures] refrain from any discrimination against persons with disabilities when enacting laws and policies” (paragraph 18).

The practice of euthanasia is a denial of equal protection. It implies that some lives—those that are impaired in some way—are less “dignified” or less valuable or less worth living. We urge the Committee to affirm that euthanasia is incompatible with Article 5 and the right of disabled persons to equality and non-discrimination.

*Abortion*

The aborting of human beings diagnosed before birth with disabilities, such as Down syndrome, is common and widespread. Many nations specifically sanction abortion in these cases. The Convention on the Rights of the Child, however, calls for legal protection for children “before as well as after birth” (preamble). And the Convention on the Rights of Persons with Disabilities protects the equality of all people (Article 5) and calls on states to “reaffirm that every human being has the inherent right to life and … take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others” (Article 10).

In its recent comment to the Human Rights Committee regarding General Comment No. 36 (on the right to life), the Committee on the Rights of Persons with Disabilities took issue with the practice of abortion on the basis of disability: “Laws which explicitly allow for abortion on grounds of impairment violate the Convention on the Rights of Persons with Disabilities (Art. 4,5,8). Even if the condition is considered fatal, there is still a decision made on the basis of impairment. Often it cannot be said if an impairment is fatal. Experience shows that assessments on impairment conditions are often false. Even if it is not false, the assessment perpetuates notions of stereotyping disability as incompatible with a good life.”

We urge the Committee to include a similar condemnation of abortion on the basis of disability in General Comment No. 6. Human beings have a right to equality and non-discrimination regardless of their ability or condition.

*Minnesota Citizens Concerned for Life Global Outreach (MCCL GO), a program of the Minnesota Citizens Concerned for Life Education Fund, is an international non-governmental organization working to secure full human rights for all human beings from conception to natural death. MCCL has consulted and advised like-minded non-profit organizations in nearly 60 countries. MCCL enjoys consultative status with the United Nations Economic and Social Council and is a civil society organization registered with the Organization of American States.*

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