TO: UNITED NATIONS HUMAN RIGHTS COMMITTEE

RE: DRAFT GENERAL COMMENT ON ARTICLE 6 – RIGHT TO LIFE

FROM: CATHERINE FRAZEE, PROFESSOR EMERITA

DATE: OCTOBER 6, 2017

INTRODUCTION

I am a Professor Emerita from Ryerson University, School of Disability Studies in Toronto Canada. I have written and lectured extensively on death-hastening practices that systematically target disabled people, and in recent years have focused on the risks posed by state-sanctioned policies of euthanasia and assisted suicide[[1]](#footnote-1). In the Canadian context, where these practices have been legal for just over one year, I have provided expert evidence for two cases of national significance (Carter, 2011) and (LeBlanc, 2012). In 2015, I was appointed to the three-person External Panel on Options for a Legislative Response to Carter v. Canada, mandated to conduct a national consultation on the federal implementation of a regime for assisted dying in Canada and to report its findings to the Federal Ministers of Justice and Health. I currently serve as an Advisor to the Vulnerable Person Standard, a national coalition of professional and civil society organizations seeking adequate safeguards to regulate the practice of assisted death in order to minimize social and individual harms.

For personal reasons, I have been unable to prepare a full submission for the Committee. I would note, however, that the organization ***Toujours Vivant-Not Dead Yet*** has assembled a comprehensive review of the evidence that supports the disability rights arguments against state-sanctioned euthanasia and assisted suicide. I would urge this committee to give deep regard to the perspective that disabled people bring to the issue which is at the heart of **Paragraph 10** of your revised draft of the “General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life”. For reasons which are deeply embedded in disabled people’s history, for reasons that relate to disabled people’s social, cultural and economic positioning, and for reasons that are directly tied to the precarity of disabled people’s claim to personhood, full citizenship and equal worth, Paragraph 10 of the General Comment on Article 6 must articulate with the spirit and the letter of the Declaration on the Rights of Persons with Disabilities.

As it is currently written, Paragraph 10 of the General Comment reflects a superficial and inadequate account of autonomy, consistent with an ableist worldview. Fundamentally, the current draft fails to adequately reflect the likelihood that:

* disabled people will be induced or coerced to request assistance to end their lives;
* these inducements and coercion will remain intractable because of systemic ableism that renders such forces invisible; and
* the eugenic impacts of such practices, over time, will become embedded in local cultures and discourse in such a way as to reinforce and perpetuate disability disadvantage, entrench the stigma associated with frailty and dependence and erode the thin veneer of welcome that robust human rights provisions are designed to fortify.

I would therefore urge the Committee to return to the drafting of Paragraph 10 in order to apply a disability lens to the notions of dignity and autonomy that underpin it. Recognizing the extent to which the forces of individualism and austerity in many of the world’s liberal democracies have worked to erode our commitments to the needs of others, the Committee must act with great care to avoid any implicit or explicit endorsement of ableist or ageist framings.

I realize as I make this plea, having no direct knowledge of the Committee’s timetables and procedural protocols, that it may be too late to hope for a return to the drafting process with respect to Paragraph 10. If that is indeed the case, and if the input that you are seeking at this stage is primarily editorial, I would urge your attention **at the very least** to the following urgent flaws in the current draft:

* Remove the phrase “with dignity” from the description of those “who experience severe physical or mental pain and suffering and wish to die with dignity”. All persons wish to die with dignity – this is not a unique feature of medically hastened death. A value-neutral statement in a highly contentious field must refrain from ceding to the signature linguistic strategies of one side of the debate;
* Add the adjective “non-ambivalent” to the description of “free, informed, explicit and unambiguous” decisions;
* Explicitly call upon States to ensure that individuals are neither **induced** nor pressured nor coerced to pursue a medically hastened death;
* Explicitly call upon States to implement robust and fully transparent monitoring of medically hastened deaths sufficient to identify all non-medical contextual factors or patterns that may motivate a person’s deliberate forfeiture of the right to life.

Thank you for the opportunity to share these reflections with the Committee as you undertake this important exercise. I remain hopeful that you will fulfil your role with vigilance, integrity and foresight.

Catherine Frazee OC, D.Litt., LLD. (Hon.)

Professor Emerita, School of Disability Studies

1. Some of my commentaries, interviews and submissions on this subject are available online at https://fragileandwild.com/supplementals/end-of-life/ and http://www.vps-npv.ca/news-and-resources [↑](#footnote-ref-1)