

Canada Senate
Standing Committee on legal and constitutional affairs
Public meeting on Bill C-7

**Opening Statement of Gerard Quinn,
UN Special Rapporteur on the Rights of Persons with Disabilities**

1 February 2021

Thank you Chair, and thank you for the high honour of addressing your Committee today.

In the time available I would like to do three things.

First of all, in order to give you some context I will take a moment to explain the role of the UN Special rapporteur on the rights of persons with disabilities.

Second, I will take a moment to focus on 2 or 3 core provisions in the UN convention on the rights of persons with disabilities which appear particularly relevant to today's debate.

Third, allow me to comment on the application of these core provisions to Bill C-7 as I see it.

First of all, the backdrop to the relatively new mandate of Special Rapporteur on the rights of persons with disabilities was the conclusion of the UN disability treaty in 2006. Canada, played a major role in the drafting of that treaty and deserves immense credit.

The treaty – like all treaties – exists in the international sphere and engages the Canadian state responsibility at that level. Conscious of the need to bring such treaties closer to home, the Convention established a treaty monitoring body to monitor implementation and to steadily clarify the norms: the Committee on the Rights of Persons with Disabilities.

Alongside the Committee, the UN Human Rights Council in 2014 established the mandate of the Special Rapporteur on the rights of persons with disabilities. Among others, one important role of the office of the Special Rapporteur is to alert the international community to worldwide trends and to interact constructively with States to aid in the process of change especially by framing familiar issues within the rubric of the treaty. Special Rapporteurs are independent experts appointed by the Human Rights Council.

Chair, it's certainly not my role to dictate outcomes. To govern is to choose and you must do that. It's my role to underpin the democratic process with framings that come from the international legal obligations which States have freely entered upon.

In the broad debate before you today I am not coming completely new. The previous UN Special Rapporteur on the rights of persons with disabilities, (Catalina Devandas) had already commented on the 2016 amendments to your Criminal Code in relation to medically assisted dying in her report following her 2019 'visit' to Canada¹, report and in her 2019 thematic report on the impact of ableism in medical and scientific practice². Indeed, the UN Committee on the Rights of Persons with disabilities had already spoken on assisted dying under your 2016 legislation. I build on their analysis.

Secondly, what is it about the UN disability treaty that seems particularly relevant to Bill C-7. Chair, the reason why a treaty on the rights of persons with disabilities was deemed necessary had to do with the relative invisibility of persons with disabilities – an invisibility that allowed ableist assumptions and prejudices to dominate public discourse.

A key aim therefore was to make persons with disabilities visible and to reverse ableism.

Mostly these assumptions were implicit – even unintended - and hardly even noticed. But their effects were always exclusionary. That is why Article 8 of the CRPD was inserted to

¹ See [A/HRC/43/41/Add.2](#)

² See [A/HRC/43/41](#)

“combat stereotypes [and] prejudices”, to “promote positive perceptions” toward persons with disabilities, to “nurture receptiveness” to their rights, etc.

Article 5 (on equality and non-discrimination) lies at the heart of the treaty and informs all other rights which are to be secured equally – including the right to life (Article 10).

Recently, the Committee on the Rights of Persons with Disabilities highlighted that its understanding of equality (which it called ‘inclusive equality’) rests on a ‘recognition’ of the personhood of persons with disabilities and their equal inherent worth as human beings (what it calls a ‘recognition’ dimension). It is this concept of personhood and human agency that binds together Article 8 (against ableism) with Article 5 (for equality).

At a minimum, this would appear to require extra vigilance to ensure that public policy and legislative initiatives do not – even unwittingly – reinforce negative stereotypes or negative perceptions about disability and persons with disabilities.

Third, what do these norms mean in the context of Bill C-7.

Chair, it is hard to see how a legislative proposal that extends a right to medically assisted dying to persons with disabilities who are not themselves close to death could send a signal that is compatible with Article 8 (the obligation to combat ableism) combined with Article 5 (the obligation to secure equal respect for rights) of the CRPD.

Why not? Under the Bill, access to the right would be extended to those who have a ‘grievous and irremediable condition’ including a disability. One would naturally fear that the ‘architecture of choice’ for persons with disabilities would be distorted given their legacy of accumulated disadvantages. However, even if safeguards would be strengthened to ensure genuine consent, the damage is still done by portraying – not directly but effectively nonetheless – that the lives of persons with disabilities are somehow worth less than others. So, the issue to me is not the adequacy of the safeguards but the subtle message sent by the legislation in the first place regardless of the safeguards.

Check against delivery

Chair, your intentions and your words are always two different things. I am sure no one here intends ableism nor the intentional devaluing of the lives of your citizens with disabilities. But the extension of the right to assisted dying as envisaged in Bill C-7 nonetheless stands a real risk of reinforcing ableism in society. Listen closely to those most directly affected. Their antennae are highly attuned to ableism – when they ‘see’ it, you should pause to reflect before proceeding.

Chair, I cannot speak for the UN Committee on the rights of persons with disabilities. But, based on their past statements on the matter, I believe it is highly likely that they would not hold Bill C-7 to be compatible with the UN disability treaty. This is a wholly avoidable risk.

Thank You.

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