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While I am grateful for the opportunity to speak to you today, I come to you with a profound sense of futility and despair over what is happening with track 2 MAiD in this country. No matter how many people tell you that this law is dangerous for people with disabilities, and no matter how many disabled people die because they could not afford the supports needed to live, we all know that the runaway train has left the station and is careening towards a human rights disaster.

Dr. Heidi Janz describes how ableism is so deeply embedded in our social, legal and political structures that we don't see it as ableism but rather as a form of common sense.<sup>1</sup> The Supreme Court of Canada has described disability discrimination as premised on a distorted view that disability is a flaw to be fixed or eradicated.<sup>2</sup> It is precisely this ableist view of disability that fueled Bill C7 and is now killing disabled Canadians.

Sadly, ableism has also permeated these hearings. I'd like to ask you for a moment to imagine yourself being a disabled Canadian. Perhaps you live in a congregate setting or in a one room apartment; perhaps you need adult diapers to deal with incontinence. You've been listening to these hearings, listening to your legislators talk about whether it's better to be dead than to be like you. Far from feeling that your autonomy has been enhanced, you feel demoralized and depressed. You've already lost a handful of friends to MAiD and you are feeling increasingly

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<sup>1</sup> Heidi L Janz, “Ableism: the undiagnosed malady afflicting medicine” (2019) 191:17 CMAJ E478.

<sup>2</sup> *Ontario (Attorney General) v G*, 2020 SCC 38.

lonely and isolated. You ask your doctor if she can help you access additional supports, but instead she reminds you that you are eligible for MAiD. And you wonder why disabled Canadians are feeling devalued and afraid?

If you take only one thing from my words today it is this: there is only one safeguard that will protect people with disabilities from wrongful deaths: that safeguard is reasonable foreseeability of death. That is the only safeguard that can prevent people from dying because they are too poor, too isolated, or too exhausted from fighting for their survival to continue living. Death is the great equalizer – everyone dies and this is the only safeguard that takes the value judgments about whose life is worth saving out of the equation.

This is the only meaningful safeguard because it is impossible to separate the suffering caused by disability from the suffering caused by the social, economic and political accompaniments of disability. If I cannot access smoke-free housing, is that my multiple chemical sensitivities or is that inadequate social housing (Favaro)? If I can't afford an apartment with an elevator, is that my disability or is that my poverty (Phillips)? If I am facing institutionalization in my 40s because the government won't provide home care for me to get to the bathroom at night, is that my disability or is that the abject failure of the state to provide me with the basic necessities of life (Hoye)? These actual situations have led to MAiD deaths for real people who were not at the end of life and did not want to die. This is a system that would not provide Sathya Dhara Kovac with home care but would give her death by house call. She wrote her own obituary before her MAiD death saying, “It was not a genetic disease that took me out, it was a system” (Hoye). The Supreme Court of Canada has held in the death penalty context that one wrongful death is too many. How many wrongful deaths is too many in track 2 MAiD?

To those who say MAiD is just another form of healthcare, I remind you that MAiD is legislated as an exemption to the crimes of murder and aiding suicide in the *Criminal Code*. That’s the only reason Parliament has any jurisdiction over this issue. The *Code* makes explicit that ending a life is so serious that we don’t allow people to consent to their own deaths. The MAiD regime makes an exception to that but only for disabled Canadians. Only their lives are not worth saving. How can you not see that this is discriminatory?

It is frankly irresponsible to delegate your authority to define murder and aiding suicide to doctors and ask us to “trust” a health care system that is strapped for resources and near the breaking point. When we look at Canada’s record of eugenics – residential schools, the warehousing of people with mental illness, and the sterilization of Indigenous and disabled women and girls – we must remember that doctors were deeply implicated in all of these practices.

This government has focused *not* on eradicating the suffering of people with disabilities but rather on eradicating the sufferer. I urge this committee to take meaningful steps to prevent the impending catastrophe that will be MAiD for mental illness and to put an end to track 2 MAiD.

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