

PEOPLE
FIRST
of CANADA



PERSONNES
D'ABORD
du CANADA



CANADIAN ASSOCIATION
FOR COMMUNITY LIVING

ASSOCIATION CANADIENNE POUR
L'INTÉGRATION COMMUNAUTAIRE

Diversity includes. On se ressemble.

May 17, 2019,

Senate Standing Committee on Human Rights (RIDR)

The Senate

Ottawa, Ontario

K1A 0A4

Dear Members of the Senate Standing Committee on Human Rights (RIDR),

On behalf of the Canadian Association of Community Living (CACL) and People First of Canada (People First), we would like to bring to your attention the historic and ongoing forced and coerced sterilization of persons with intellectual disabilities in Canada. We ask that you include this perspective as part of your study into the forced and coerced sterilization of Canadians. Persons with intellectual disabilities have been at the center of Canada's history of sterilization and remain vulnerable; Canadians need to know this story.

During the eugenics movement¹, over three thousand Canadians were legally sterilized in Canada- most notably within the provinces of Alberta, and British Columbia where those who were deemed to be "mentally defective," to possess "undesirable elements" or to be part of "unfit groups" were sterilized by mandate of the state. The Sexual Sterilization Acts of Alberta (est. 1928) and British Columbia (est. 1933) legislated the sterilization of persons with intellectual disabilities without their consent. Both provinces targeted those living in institutions. The laws would not be repealed until the 1970s².

We recognize that your study is particularly interested in the experiences of indigenous women - our stories are connected³. The eugenics movement was shaped by colonialism, by gender and race-based

¹ Eugenics can be defined as: "the study of or belief in the possibility of improving the qualities of the human species or a human population, especially by such means as discouraging reproduction by persons having genetic defects or presumed to have inheritable undesirable traits (negative eugenics) or encouraging reproduction by persons presumed to have inheritable desirable traits (positive eugenics)." <http://dictionary.reference.com/browse/eugenics>

For more, see UBC Centre for Inclusion and Citizenship: <https://cic.arts.ubc.ca/resources/the-eve-decision-1986/eugenics/>

² "The Alberta eugenics program recommended sexual sterilization surgeries for 4,725 individuals and ultimately performed operations on 2,822 people; by comparison, British Columbia operated on nearly 200 individuals. Recommendations for Alberta's surgeries came from an appointed Eugenics board and fell into five categories: psychotic patients; mental defectives...; neurosyphilitic patients...; patients with epilepsy, psychosis, or mental deterioration; and individuals with Huntington's Chorea disease." (pg. 3)

Dyck, Erika. 2013. *Facing Eugenics: Reproduction, Sterilization, and the Politics of Choice*. University of Toronto Press.

³ For more, and for examples of indigenous women labelled with intellectual disabilities being sterilized, see:

Stote, Karen. 2012. "The Coercive Sterilization of Aboriginal Women in Canada." *American Indian Culture and Research Journal* 36:3 (117-150).

stereotypes; and it regulated the norm of appropriate behaviour⁴. Those who were poor, or sexually or culturally deviant were seen as genetically defective in much the same way as persons with disabilities.

Leilani Muir's experience demonstrates how wide a net was cast. Muir was raised in poverty having endured abuse in her childhood. She was administered an IQ test, which indicated that she had a low IQ. Muir was surrendered to an institution – the provincial training school for mental defectives – at the age of 11. She was sterilized at the age of 14 without her knowledge or consent, having been told that she had required an appendectomy. It was later revealed that Muir's IQ test was faulty, yet she had suffered the fate of a person with an intellectual disability⁵.

Roy Skoreyko, a People First self-advocate and member of the CACL board, was also sterilized at the provincial training school at the age of 16. Speaking of his sterilization Skoreyko shared "They didn't tell us anything. They just told us we were going on a trip... We were scared."⁶

"The eugenics board had to give approval, five minutes in their office and we were out of there. It took five minutes for them to decide to wreck our lives" Muir shared in *Surviving Eugenics*⁷. Indeed, board reports from within Alberta indicate that at best 13 minutes were spent discussing each sterilization recommendation⁸. Decisions were made hastily.

The stereotypes and devaluations that underpinned the eugenics movement endured and evolved long after eugenics was rejected as best practice. Non-medically-necessitated sterilization was not expressly prohibited until *E. (Mrs.) v. Eve* was decided by the Supreme Court of Canada in 1986. Justice La Forest wrote that "the decision involves values in an area where our social history clouds our vision and encourages many to perceive the mentally handicapped as somewhat less than human."⁹

The *Eve* decision outlined that those under guardianship have a right to bodily integrity and freedom from involuntary sterilization. It conveyed that the mother of 24-year-old "Eve," a woman with an intellectual disability, could not request a tubal ligation without her consent despite the mother's desires. CACL's Consumer Advisory Committee, which would later become People First, intervened in the case. **Barb Goode**, a self-advocate and member of this committee, reflecting on the significance of the decision, shared that "nobody should be sterilized without their say."¹⁰

One would have hoped that the *Eve* decision would have resolved the issue of forced and coerced sterilization of persons with intellectual disabilities. Sadly, this is not the case. For example, in 1997, Sandra Crockett had her **20-year-old son** castrated without his consent in order to regulate his

⁴ Grekul et al. 2004. "Sterilizing the 'Feeble-minded' : Eugenics in Alberta, Canada, 1929-1972." *Journal of Historical Sociology*. 17:4 (358-384).

⁵ See Muir V. Alberta. 1996: <https://www.canlii.org/en/ab/abqb/doc/1996/1996canlii7287/1996canlii7287.pdf>

⁶ <http://eugenicsarchive.ca/discover/our-stories/roy>

⁷ <https://www.youtube.com/watch?v=WJV5JrxOmzQ>

⁸ Grekul et al. 2004. "Sterilizing the 'Feeble-minded' : Eugenics in Alberta, Canada, 1929-1972." *Journal of Historical Sociology*. 17:4 (358-384).

⁹ See *E. (Mrs.) v. Eve*. 1986: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/170/index.do>

¹⁰ UBC Centre for Inclusion and Citizenship: <https://cic.arts.ubc.ca/resources/the-eve-decision-1986/>

behaviour¹¹. We are also aware of women with intellectual disabilities currently being chemically sterilized through forced use of Depo-provera.

Canada signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in March of 2010. On the issue of eugenics in Canada; Article 23 (c) of the convention requires state parties to protect persons with disabilities from forced sterilization regardless of their perpetrator along with all other discriminatory practices compromising their reproductive health¹². It requires that “states take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that persons with disabilities, including children, retain their fertility on an equal basis with others.” The common stereotype has considered persons with intellectual disabilities as asexual and incapable, which has led to the denial of their sexual autonomy.¹³ Persons with intellectual disabilities face significant legal barriers to becoming parents globally, even in developed nations like Canada. The issue of involuntary and forced sterilizations persists. In a recent decision, Columbia’s Constitutional Court upheld the constitutionality of surgical sterilization of minors with intellectual and psychosocial disabilities.¹⁴ Canada’s obligations under CRPD do not merely stop the prohibition of forced sterilizations; it includes awareness raising about the reproductive health of persons with disabilities among healthcare professionals.¹⁵

Thank you for considering the ways in which the experiences of Canadians with intellectual disabilities are relevant to your study of forced and coerced sterilizations. If you would like to contact us for further information, please reach out to Krista Carr, CACL Executive Vice-President by phone at 416-661-9611 ext. 222 (or cell 506-474-3528) or by email at kcarr@cacl.ca .

Sincerely,



Kory Earle

President, People First of Canada



and Joy Bacon

President, Canadian Association for Community Living

The Canadian Association for Community Living (CACL) is a national not-for-profit association with a long-standing history of defending the rights of and advocating for the interests of persons with intellectual disabilities.

People First of Canada (PFC) is the national voice for people who have been labelled with an intellectual disability. Our vision is a Canada that values diversity; and honors, respects, and includes all its citizen

¹¹ Globe and Mail. Jane Armstrong. 2002. “Woman embroiled in legal battle for having disabled son castrated”: <https://www.theglobeandmail.com/news/national/woman-embroiled-in-legal-battle-for-having-disabled-son-castrated/article4135738/>

¹² Bantekas, Ilias, et al. The UN Convention on the Rights of Persons with Disabilities: a Commentary. Oxford University Press, 2018. p. 644.

¹³ Ibid, p. 629.

¹⁴ Ibid, 644.

¹⁵ Ibid.