

THALIDOMIDE VICTIMS SUE THE FEDERAL GOVERNMENT FOR DISCRIMINATION

February 17, 2021, Ottawa – The Thalidomide Survivors Task Group announced today that it has filed a legal claim against the federal government for violating the individual plaintiffs' rights under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*. The claim was filed in the Ontario Superior Court of Justice.

Among other things, the plaintiffs allege that the federal government failed to comply with its repeated undertakings to provide full support to Thalidomide survivors, and that the government's current funding programs are inadequate, discriminatory, and constitute a violation of the plaintiffs' rights to equality, life, liberty and security.

Plaintiff Colleen Gallagher, whose Thalidomide injuries include being born with only one lung, and who is now afflicted with lung cancer, said, *"I am finding simple, everyday tasks becoming nearly impossible. Cleaning the tub with my feet used to take me a few minutes, now it takes more than an hour and I'm exhausted from it. I've aged and I have stage 4 cancer, and I am especially vulnerable to COVID-19. All we want is a minimal level of dignity for the time we might have left. We shouldn't be forced to grovel for what has already been promised, especially since our birth defects are the direct result of government negligence in authorizing the use of Thalidomide."*

Birth defects caused by Thalidomide include missing or severely stunted limbs, missing organs, deafness, and blindness. The Canadian government has admitted its negligence for permitting the drug's distribution and delaying its recall 60 years ago.

The government's December 2020 pre-emptive COVID-19 guarantee further demonstrates the unconstitutional and unfair treatment of Thalidomide survivors. While it is willing to guarantee fair access to support for Canadians with an adverse reaction to an approved COVID-19 vaccine, the government for six decades has denied fair access to support for Thalidomide survivors, all of whom have significant disabilities that are a direct result of the government's own negligence.

Violation of Thalidomiders' Equality and Security Rights

The plaintiffs allege the Government has violated their rights to equality and to security of the person under the *Canadian Charter of Rights and Freedoms*. The violations include:

- providing inequitable and insufficient funding, far below what Parliament unanimously approved in 2014, for services and support required as a result of the government's negligence;
- providing only partial annual support since 2015 after having committed to full support as far back as 1963;
- repeatedly committing to provide adequate services but failing to honour those undertakings. For example, in August 2019 a senior official in the Prime Minister's Office stated, *"If the thalidomide full support issue isn't resolved by Christmas (2019), it will constitute a colossal failure"*;
- subjecting plaintiffs to an undignified and cruel funding test, which fails to take account of the full extent of their disabilities and which delivers inadequate support if a plaintiff manages to pass the test;
- causing a significant loss of independence and dignity, and subjecting plaintiffs to the prospect of re-institutionalization and the trauma associated with re-living memories of childhood institutionalization and abuse;
- insulting and demeaning the plaintiffs, such as a Cabinet Minister saying, *"It's good news for the Government if thalidomiders only have 10 years to live."* Prime Minister Justin Trudeau ignored all requests to address this insulting treatment.

The filed statement of claim is available [here](#). The plaintiffs will host a Zoom media conference on **February 17, 2021 at 10:00 a.m. EST.**

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