



Convention on the Rights of Persons with Disabilities

**Interim Report in follow-up to Canada's review before the
United Nations Committee on the Rights of Persons with
Disabilities**

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Introduction

1. On April 3 and 4, 2017, Canada appeared before the United Nations Committee on the Rights of Persons with Disabilities (the Committee), for the review of its initial report on the *Convention on the Rights of Persons with Disabilities* (CRPD). The Committee issued its Concluding Observations for Canada on May 8, 2017¹.
2. At paragraph 60 of its Concluding Observations, the Committee requested follow-up information in response to the recommendations made in paragraphs 8 and 14 (c). In light of these recommendations, in 2017, the Government of Canada funded civil society disability organizations to conduct three streams of research.
3. A description of each of the research projects is provided below. The results of the research will inform further discussions between and within governments in 2018 in relation to the Committee's recommendations. An update on the outcomes of the research and any follow-up activities will be provided to the Committee in Canada's combined second and third periodic report, which is due in April 2020.
4. Regarding the Committee's recommendation in paragraph 40 (d), during its appearance, Canada committed to translating the CRPD into both American Sign Language (ASL) and *Langue des signes québécoise* (LSQ). Canada met this commitment by translating and publishing the CRPD into ASL and LSQ in June 2018. The sign language versions of the CRPD have been shared publically:
(<https://www.youtube.com/watch?v=nBF7nDbd1Eo&list=PLSUro1UBraloizfQ8ZDRRVXpNfe1QvAwf> and <https://www.youtube.com/playlist?list=PLjKrcUhDTZu0Pc319xkGzCN6FRuZ3vc6T>).
5. Building upon its most inclusive and accessible consultations with Canadian civil society to date, on June 20, 2018, the Government of Canada tabled Bill C-81, the Accessible Canada Act in the House of Commons. If passed by Parliament, this will be the most significant piece of disability rights legislation to be enacted by the Government of Canada in over 30 years. This proposed legislation will be a significant step in Canada's ongoing implementation of the CRPD.
6. Regarding the Committee's recommendation in paragraph 58 (a), the Accessible Canada Act, if passed, would amend the *Canadian Human Rights Act* to designate the Canadian Human Rights Commission as the body responsible for monitoring the Government of Canada's implementation of the CRPD.

Recommendation 8 – General principles and obligations (arts. 1-4)

The Committee recommends that the State party withdraw its declaration and reservation to article 12.4 of the Convention and carry out a process to bring

¹ CRPD/C/CAN/CO/1 (adopted by the Committee April 10, 2017)

federal, provincial and territorial legislation that allows for deprivation of legal capacity of persons with disabilities into line with the Convention. In doing so, the Committee encourages the State party to consider the criteria unfolding of the Committee's General comment No. 1 (2014) on Equal Recognition before the Law.

7. As Canada has previously stated, there are no plans to withdraw its interpretative declaration and reservation to article 12.4 of the Convention. Please refer to Canada's First Report for more information.
8. In order to gain a better understanding of legal capacity provisions in Canada, as well as how persons with disabilities are supported in their decision making, the Government of Canada is working with a number of disability stakeholders on various initiatives. The overall goal is to increase the Government of Canada's understanding of barriers faced by persons with disabilities and foster ongoing improvement of decision-making supports available to them.
 - As indicated above, the Government of Canada has funded a research project entitled "Securing Legal Capacity and Supports in Decision Making for Canadians with Disabilities." The project, led by the Canadian Association for Community Living (CACL) in partnership with other disability organizations, focuses on four areas of research:
 - Review of legal capacity provisions in provincial and territorial legislation;
 - Scan of policies and programs for support in decision making;
 - Legislative provisions for health care decision making in the context of mental health law; and
 - Provisions in the *Income Tax Act* and the *Bank Act* related to legal capacity – issues and options to promote legal capacity and supported decision making.
 - In December 2017, the Government of Canada also collaborated with the CACL and People First of Canada in the organization of their annual Policy Forum. The theme of the 2017 Forum was the "Realization of the Right to Legal Capacity for Persons with Intellectual Disabilities in Canada." The goal was to understand Canada's obligations under Article 12 of the CRPD, learn about decision-making systems in Canada and identify issues and barriers.

Recommendation 14(c) – Equality and non-discrimination (art. 5)

The Committee recommends that the State party: Set up criteria aimed at addressing multiple and intersecting forms of discrimination through legislation and public policies, including through affirmative action programmes for women and girls with disabilities, indigenous persons with disabilities and migrant persons with disabilities, and provide effective remedies in cases of such discrimination.

9. As indicated above, the Government of Canada has funded the following two projects to explore the issue of intersectionality, as well as the situation of Canadian women and girls with disabilities.
 - The project, *“Understanding the Intersectional Forms of Discrimination that Impact Persons with Disabilities,”* led by the Canadian Centre for Disability Studies in partnership with other disability organizations, aims to strengthen knowledge and understanding of intersectionality and how it may be applied in legislation, policy and practice to tackle social inequities experienced by persons with disabilities in Canada. The research will include key informant interviews, an environmental scan and analysis of intersectional forms of discrimination faced by persons with disabilities that address gender, sexuality, ethnicity and ability.
 - The project, *“Beyond the United Nations Convention on the Rights of Persons with Disabilities: An Analysis of Key Issues Facing Canadian Women and Girls with Disabilities,”* led by DisAbleD Women’s Network of Canada in partnership with other disability organizations, will provide research, data and issue analysis that can inform consideration of the Committee’s recommendations related to women and girls with disabilities and a summary of suggested action for addressing the identified issues at a systemic level.
10. The following are examples of initiatives related to intersectionality undertaken by federal, provincial and territorial (FPT) governments since Canada’s appearance:
 - In Newfoundland and Labrador, collaborative initiatives of cross government multi-stakeholder working groups provide a forum for developing policy and public services that recognize the intersectionality of discrimination of persons with disabilities.
 - The province’s Disability Policy Office has an Inter-Departmental Working Group that guides the Government of Newfoundland and Labrador’s implementation of an inclusion framework that includes five goals that support actions to remove barriers and advance the inclusion of persons with disabilities in all aspects of society.

In 2018:

- The Government of Canada announced funding for Statistics Canada, Canada’s national statistical agency, to create a new Centre for Gender, Diversity and Inclusion Statistics. The Centre’s Gender Based Analysis Plus (GBA +) data hub will support evidence based policy development and decision-making within the federal government and externally.

- The Centre will work to address gaps in the availability of disaggregated data on gender and other intersecting identities to enrich Canada’s understanding of social, economic and financial issues.
 - The Government of Alberta released a Gender Budgeting Statement that responds to the needs of diverse groups of people based on their gender, socio-economic backgrounds, geographic locations, education levels, and other identity factors, including mental and physical abilities.
 - The Government of Ontario launched a *Gender-Based Violence Strategy* that recognizes that various forms of gender-based violence are interconnected.
 - The Strategy, which has been informed by research, cross-ministry collaboration and engagements, provides a common framework for existing Government of Ontario strategies and builds further alignment between targeted provincial action plans (e.g., the *Sexual Violence and Harassment Action Plan*, *Ontario’s Strategy to End Human Trafficking* and the *Walking Together: Ontario’s Long Term Strategy to End Violence against Indigenous Women*).
- In 2017,
 - The Government of Canada released its first ever *National Housing Strategy* (NHS), which is grounded in gender and intersectionality-based analysis. The NHS prioritizes housing for those in greatest need, including vulnerable populations, such as: people with disabilities; seniors; veterans; Indigenous peoples; women and children fleeing family violence; those dealing with mental health and addiction; and young adults.
 - A GBA+ lens was applied throughout the development of the Strategy to ensure that programs do not negatively impact Canadians on the basis of gender and other identity factors, such as mental or physical ability, age, or race. The Government of Canada will continue to take a proactive approach to integrating GBA+ throughout the program cycle of the Strategy. It is anticipated that the adoption of a GBA+ approach to the Strategy will also align with commitments made under UN Habitat III.
 - The Government of Nova Scotia passed accessibility legislation and established an Accessibility Directorate responsible for its implementation and administration as well as to address broader disability-related issues.
 - The preamble of Nova Scotia’s *Accessibility Act* specifically references the CRPD and acknowledges that persons with disabilities who are subject to multiple forms of discrimination face additional barriers.
 - The Government of Quebec launched the *Governmental Action Plan to Counter Elder Abuse 2017-2022*. One intersectional measure included in the plan specifically addresses seniors with disabilities:

- Measure 50: Supports the development of research projects on abuse, proper treatment and best practices to be put in place with various groups of seniors, whether these individuals are men or women, ethnocultural minorities, Indigenous people, LGBT people, persons with disabilities or unfit people.
 - The Government of Alberta launched a *Post-Secondary Student Mental Health Grant Program* that publicly funds post-secondary institutions in the province to provide mental health promotion and brief intervention supports for students, including those with mental illnesses.
 - The Funding Guidelines for the Program stipulate that institutions should take an intersectional approach when developing and implementing their mental health initiatives on campus. The Guidelines direct institutions specifically to the federal GBA+ course if they require more training and information about intersectionality.
- A Government of Canada Interdepartmental Working Group on Intersectionality was established to identify best practices and opportunities for collaboration within the Government of Canada to address recommendations of the Committee on the Rights of Persons with Disabilities related to intersectional issues. Specifically, the Working Group will identify policies and programs that address intersectional forms of discrimination as well as the gaps, challenges and opportunities that could be addressed federally as related to persons with disabilities.