



## Convention on the Rights of Persons with Disabilities

Distr.: General  
22 September 2016

Original: English  
English, French and Spanish only

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the initial report of Canada\*

##### A. Purpose and general obligations (arts. 1-4)

###### Purpose (art. 1)

1. Please inform the Committee whether and when the Optional Protocol to the Convention will be ratified.

###### General obligations (art. 4)

2. Please inform the Committee whether the State party intends to withdraw the reservation to article 12 (4).

3. Please indicate the steps taken towards the full harmonization of the State party's existing and draft legislation and relevant strategies with the obligations under the Convention.

4. Please inform the Committee about intergovernmental bodies and other mechanisms in place to ensure consistent implementation of the Convention at the federal, provincial and territorial levels.

5. Please also inform the Committee about the participation of organizations of persons with disabilities in decision-making processes concerning legislation, public policies and other measures, including their involvement in the preparation of the State party's report.

6. Please give an update on the preparation of the Canadians with Disabilities Act, including the participation of persons with disabilities in its preparation.

##### B. Specific rights (arts. 5-30)

###### Equality and non-discrimination (art. 5)

7. Please indicate whether discrimination based on "future impairment" is covered by the Canadian Human Rights Act.

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\* Adopted by the Committee at its sixteenth session (15 August-2 September 2016).



8. Please provide information on legal remedies available and used regarding disability-based discrimination.

9. Please provide updated information on the status of Bill S-201.

10. Please elaborate on measures to eliminate multiple and intersectional discrimination against persons with disabilities, including indigenous persons with disabilities. Please elaborate on effective remedies and redress provided at all levels.

**Women with disabilities (art. 6)**

11. Please update the Committee on programmes designed and implemented to assist women and girls with disabilities in all aspects of life, in particular participation in employment, in protection from violence, including sexual violence, and in gaining access to sexual health, reproductive and parental rights.

12. Please provide information on measures for the advancement, development and empowerment of all women and girls with disabilities, in particular indigenous women and girls.

**Children with disabilities (art. 7)**

13. Please elaborate on measures taken to assist children with disabilities to enjoy their human rights on an equal footing with others, including specific budgetary lines and programmes in this regard.

14. Please inform the Committee about measures to ensure full and effective participation of children with disabilities, including Aboriginal children, in all aspects affecting them.

**Accessibility (art. 9)**

15. Please elaborate on measures to monitor the implementation of accessibility measures in all areas of the Convention and sanctions in case of lack of compliance with accessibility requirements.

**Right to life (art. 10)**

16. Please inform the Committee about measures to ensure that the State party's legislation on assisted dying is in compliance with the Convention.

**Situations of risk and humanitarian emergencies (art. 11)**

17. Please inform the Committee about measures to educate persons with disabilities about disaster risk reduction and early warning systems. Please also inform the Committee about specific measures relating to delivery services for persons with disabilities in emergency situations

**Equal recognition before the law (art. 12)**

18. Please inform the Committee about the number of adult persons with disabilities, at the federal, provincial and territorial levels, who are under guardianship or a similar regime of substituted decision-making. Since 2010, what kinds of decisions have been made on behalf of persons with disabilities (e.g., medical treatment, financial affairs, housing and contracts)? How many persons with disabilities receive supported decision-making services? Have there been any decreases in substitute decision-making since 2010? Are there any innovative projects or research planned in this regard?

**Access to justice (art. 13)**

19. Is easy-to-read language available for persons with cognitive impairment during judicial proceedings?
20. Please give an update about the current status of the Victims Bill of Rights and how it is applicable to persons with disabilities.

**Liberty and security of the person (art. 14)**

21. Please inform the Committee about the number of criminally accused persons with disabilities who have been declared incompetent to stand trial and/or incompetent to be guilty since 2010. What measures are taken in regard to those persons with disabilities? Are these individuals transferred to and/or detained in forensic psychiatric institutions? Please clarify whether in regard to criminal procedure they have the same rights as defendants such as right to information or judicial review.
22. Please inform the Committee whether the federal and provincial legislation, including the Charter of Rights and Freedoms, the Criminal Code and legislation in the area of mental health, provide effective protection against arbitrary detention of persons with disabilities at the federal, provincial and territorial levels. In this regard, please also inform the Committee about the measures taken towards abolishing the practice of indefinitely detaining persons with disabilities, especially with intellectual and/or psychosocial disabilities who, based on their impairment, are found to be “unfit for trial”.
23. Please provide information about the number of persons with disabilities who have been detained since 2010 on the grounds of impairment (disaggregated by gender, age and ethnicity). Has the number decreased or increased since the ratification of the Convention?
24. Please also provide information about the number of persons with disabilities in prison and how many of them are provided with reasonable accommodation.

**Freedom from exploitation, violence and abuse (art. 16)**

25. Please inform the Committee about the existence of a monitoring system in line with article 16 (3) at the federal, provincial and territorial levels.
26. Please inform the Committee about violence against women and children with disabilities, including indigenous women and children with disabilities, and about measures to prevent and eliminate all forms of violence in different settings, including at school, and to facilitate reporting of violence by victims. Please also indicate the steps taken to implement the recommendations of the Truth and Reconciliation Commission and to repeal section 43 of the Penal Code.

**Protecting the integrity of the person (art. 17)**

27. Please provide details on sterilization without consent. Which provinces and territories allow sterilization without consent and under what circumstances? Please provide information about the number of cases since 2010. Is the number increasing or decreasing?
28. Please inform the Committee about measures taken to prevent treatment without consent, seclusion and the use of chemical and physical restraints for persons with disabilities, especially those with psychosocial and/or intellectual impairments.

**Liberty of movement and nationality (art. 18)**

29. Please comment on reports according to which disability may constitute a barrier to immigrating into the State party and for citizens to leave the State party.

30. Please provide information on the situation of migrants and asylum seekers with disabilities, including detention of migrants with intellectual and/or psychosocial disabilities.

**Living independently and being included in the community (art. 19)**

31. Please indicate how many children and adults with disabilities live in residential institutions and how large these institutions are. Has the number of persons with disabilities in institutions decreased or increased since 2010, including at the federal, provincial and territorial levels?

32. What is the public budget spent on community-based services for independent living as opposed to residential services? Please inform the Committee about measures towards deinstitutionalization and the provision of community-based living arrangements since 2010. How many persons with disabilities receive independent living support, including personal assistance services? Please provide data disaggregated by sex, age and ethnic background at all levels.

**Freedom of expression and opinion, and access to information and communication (art. 21)**

33. Please indicate whether information for the general public is accessible to persons with disabilities, i.e. sign language, easy-read, Braille, audio and augmentative and alternative communication.

**Respect for home and the family (art. 23)**

34. Please inform the Committee about measures taken to ensure that women with disabilities, including indigenous women with psychosocial impairments, can equally exercise their sexual and reproductive health rights and adopt children.

**Education (art. 24)**

35. Please give an update about learners with disabilities who receive education in segregated settings as opposed to learners with disabilities who are in mainstream settings, across each of the provinces and territories.

36. Please inform the Committee about the situation of deaf, deaf blind and blind learners with disabilities.

37. Please explain in detail how the State party is working towards inclusive education, in particular for children with high-level support needs across all provinces and territories; please also provide information about reasonable accommodation and support measures for students with disabilities, including blind, deaf and deafblind learners at all levels of the mainstream education system, with a particular emphasis on Aboriginal children.

**Work and employment (art. 27)**

38. Please give an update on further measures taken to increase the levels of employment by persons with disabilities, including persons with intellectual and/or psychosocial disabilities.

39. Please provide information about the number and places for sheltered workshops or similar segregated employment settings for persons with disabilities. Has the number increased or decreased since 2010?

**Adequate standard of living and social protection (art. 28)**

40. Please provide disaggregated information about the percentage of persons with disabilities, particularly indigenous persons with disabilities and women with disabilities, who receive funding for housing and adaptation. Please provide information about poverty reduction strategies that include persons with disabilities.

**Participation in political and public life (art. 29)**

41. Please provide disaggregated data on how many adult persons with disabilities are excluded from voting and on what grounds.

**C. Specific obligations (arts. 31-33)****International cooperation (art. 32)**

42. Please indicate the measures taken to ensure that disability is mainstreamed into national plans to implement and monitor the 2030 Agenda for Sustainable Development. Please inform the Committee about measures adopted to ensure that organizations of persons with disabilities are meaningfully involved in these processes.

**National implementation and monitoring (art. 33)**

43. Please provide information about any measures taken towards establishing an independent mechanism in compliance with article 33 (2). Please also provide information about measures to ensure participation of persons with disabilities in line with article 33 (3).

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