



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues prior to submission of the combined second and third periodic reports of Canada\*

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

1. Please indicate:

(a) Any significant progress concerning legal reform at the federal, provincial and territorial levels in incorporating the Convention;

(b) Measures taken to ensure a unified approach to the implementation of the Convention, including a comprehensive national strategy to coordinate implementation at the federal, provincial and territorial levels, in consultation with persons with disabilities through their representative organizations.

2. Please clarify whether the State party, in partnership with representative organizations of persons with disabilities, has established mechanisms and allocated financial resources to ensure their full and effective participation in the implementation and monitoring of the Convention, particularly concerning persons with disabilities facing multiple and intersectional forms of discrimination.

#### B. Specific rights (arts. 5–30)

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

3. Please provide information about measures taken to implement the Committee's recommendations contained in paragraph 14 of its previous concluding observations (CRPD/C/CAN/CO/1), in particular on:

(a) Progress made in ensuring that provisions in the Canadian Human Rights Act (1993) cover all spheres of life of all persons with disabilities, irrespective of impairment, and that reasonable accommodation is provided in the public and private sectors;

(b) Measures taken to ensure that the anti-discrimination provisions at the federal, provincial and territorial levels encompass all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association and multiple and intersectional discrimination faced by persons with disabilities, particularly children, women, migrants, refugees, asylum seekers, indigenous persons, and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and to ensure their access to effective remedies in case of discrimination;

(c) Measures taken at all levels of government to eliminate inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action

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\* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).



measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex and indigenous background.

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

4. Please provide information on:

(a) Measures taken, including by Status of Women Canada, to promote the economic empowerment of women with disabilities through legislation and public policies on gender equality;

(b) Progress in eliminating prejudice against and negative stereotypes about women with disabilities in order to remove financial and practical barriers they face and develop inclusive practices;

(c) Measures taken to ensure that indigenous women with disabilities have access to available educational programmes and that they are aware of their rights under the Convention and have access to the support available to claim their rights.

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

5. Please provide information on:

(a) Measures taken since the last review with regard to research and the regular and systematic collection of disaggregated data at all levels of government on the situation of and discrimination faced by children with disabilities, particularly indigenous children with disabilities, and whether such data has been used to formulate targeted strategies and programmes to address intersectional forms of discrimination against them;

(b) Measures taken to address the overrepresentation of indigenous children with disabilities in Canadian welfare services, including the budgets to implement the Act respecting First Nations, Inuit and Métis children, youth and families (Bill C-92) to improve the child welfare system in indigenous communities;

(c) Measures taken to include the rights of children with disabilities in public policies and early intervention programmes and to recognize the identity and evolving capacities of all children with disabilities.

**Awareness-raising (art. 8)**

6. Please provide information on measures taken at the federal, provincial and territorial levels to fully implement the Committee's recommendations contained in paragraph 20 of its previous concluding observations, in particular on:

(a) Measures taken to combat stigma, stereotypes, prejudices and negative attitudes towards persons with disabilities, including autistic persons and lesbian, gay, bisexual, transgender and intersex persons with disabilities, to reinforce their human dignity and support their inclusion in society;

(b) Steps taken to support the participation of persons with intellectual disabilities in promoting their leadership, the work of their representative organizations and self-advocacy.

**Accessibility (art. 9)**

7. Please provide information on the situation of accessibility and its assessment in different provinces and territories, including accessibility of the physical environment, transportation, information and communications, and the accessibility of other facilities and services provided or open to the public and whether the respective governments monitor and regularly evaluate compliance with the Convention.

8. Please provide information on:

(a) Whether the accessibility legislation is in place, including an update on the status of the Accessible Canada Act and on measures to ensure its implementation in all

provincial and territorial levels of government, and whether such legislation is applicable in First Nations reserves in line with the Convention;

(b) Measures to improve accessibility of public information and ensure the availability of alternative modes of communication, in particular Braille, sign language and Easy Read versions of public documents and fundamental legislation, as well as access to caption services in English and French, and descriptive video content for websites and social media.

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

9. Please provide information on measures taken to:

(a) Provide alternative courses of action and appropriate palliative care, disability support, home care and other social measures for persons with disabilities who seek an assisted death under the Federal Medical Assistance in Dying legislation;

(b) Establish the national data standard and an effective and independent monitoring mechanism for medical assistance in dying to ensure that compliance with the law and regulations is strictly enforced and that persons with disabilities are not subjected to external pressure.

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

10. Please provide information on steps taken to implement the Committee's recommendations contained in paragraph 26 of its previous concluding observations, in particular subparagraphs (a) to (c).

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

11. Please provide information on legal and other measures taken at the federal, provincial and territorial levels to ensure a consistent framework for recognizing legal capacity, to enable access to the support needed for its exercise and to withdraw the reservation of the State party to article 12 (4) of the Convention. Please also indicate the steps taken to remove exclusionary provisions and introduce provisions for supported decision-making in statutes at all levels, including the Federal Bank Act and the Income Tax Act. Please provide data to understand trends regarding substitute decision-making arrangements imposed on persons with disabilities and persons with disabilities with support for decision-making.

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

12. Please provide information on measures taken to fully implement the Committee's recommendations contained in paragraph 30 of its previous concluding observations, in particular on:

(a) Measures adopted to repeal from law any proceedings according to which persons with disabilities are declared unfit to stand trial, unfit to plea, incapable or exempt from criminal prosecution and/or responsibility;

(b) Measures taken to ensure that persons with disabilities, particularly persons with psychosocial or intellectual disabilities, and autistic persons can access information and application processes to bring claims for the protection of their rights;

(c) Measures taken at the federal, provincial and territorial levels to reduce regional disparities regarding legal aid services and other support to persons with disabilities in filing cases on the violations of their rights;

(d) The outcome of training programmes developed by the Canadian Judicial Council that focus on the rights enshrined in the Convention on access to justice by persons with disabilities, and other relevant training activities for the justice sector, the police and prison officers, including facilitating testimony of persons with intellectual or psychosocial disabilities during judicial proceedings under the Canadian Victims Bill of Rights Act.

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

13. Please inform the Committee about measures taken at the federal, provincial and territorial levels to fully implement the Committee's recommendations contained in paragraph 32 of the previous concluding observations, in particular on:

(a) Ending the involuntary detention and hospitalization of persons with disabilities on the basis of impairment;

(b) The adoption and implementation of guidelines of individualized supports for all persons with disabilities who are detained in federal and provincial prisons and/or detention facilities, including the detention of women with disabilities and autistic persons;

(c) Addressing the overrepresentation of persons with intellectual or psychosocial disabilities, as well as indigenous and migrant persons with disabilities, in prisons.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on measures taken to eliminate seclusion, restraint and other forms of restrictive practices, including overmedication in all settings such as residential institutions, psychiatric institutions, hospitals, prisons, educational and day care services, and to review the practice of solitary confinement in prisons. Please indicate whether the existing entities have the mandate and expertise to monitor the situation of persons with disabilities for the prevention of torture. Please provide information on the measures taken to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

15. Please provide information on the measures taken to address all forms of violence, including sexual violence against women and girls with disabilities, in particular indigenous women, women with intellectual or psychosocial disabilities, persons with disabilities in family settings and in institutions, particularly with reference to the Committee's recommendations contained in paragraph 34 of its previous concluding observations.

16. Please indicate the measures taken to ensure that the federal strategy against gender-based violence includes lines of action and specific programmes and benchmarks to address all forms of violence against women and girls with disabilities. Please provide data on trafficking in and the exploitation of women and girls and the prevalence of disability among those victims.

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

17. Please provide information on measures to eliminate forced or involuntary sterilization of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, including in situations where persons with disabilities are deemed to lack legal capacity to consent. Please also explain the efforts made to coordinate the above-mentioned measures across jurisdictions.

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

18. Please indicate the measures taken or envisaged to:

(a) Repeal paragraph 38 (1) (c) of the Immigration and Refugee Protection Act, which refuses a foreign national who might reasonably be expected to require health services exceeding 99,060 Canadian dollars over a five-year period;

(b) Make information about immigration and asylum-seeking procedures available in all accessible formats for persons with disabilities.

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

19. Please provide information on measures taken to:

(a) Ensure that provincial and territorial jurisdictions establish time-bound strategies to close institutions and replace them with a comprehensive system of human rights-based support across jurisdictions for independent living, including home support, personal assistance and other community-based services for persons with disabilities in close partnership with representative organizations of persons with disabilities;

(b) Ensure that persons with disabilities living within First Nation or Inuit communities, in particular persons with intellectual or psychosocial disabilities, have equal access to services on reserves;

(c) Increase the availability of affordable and accessible housing options for persons with disabilities and to address homelessness among persons with disabilities. Please include information on the impact of the First National Housing Strategy of 2017.

#### **Personal mobility (art. 20)**

20. Please report on the steps taken to eliminate discrimination against persons with disabilities in the use of service or guide dogs with respect to equal access to public spaces.

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

21. Please provide information on the measures taken at the federal, provincial and territorial levels to fully implement the Committee's recommendations contained in paragraph 40 of its previous concluding observations.

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

22. Please provide information on the measures taken to provide parents with disabilities with adequate and appropriate services and support from provincial and territorial child welfare agencies with a view to preventing the separation of children with disabilities from their families and maintaining the optimal family environment, including within Inuit, Métis and First Nations communities on reserves. Please also provide information on measures taken to ensure that information on all available services is accessible.

#### **Education (art. 24)**

23. Please provide information on measures taken to:

(a) End segregated special education environments for students with disabilities and to establish an inclusive educational system across federal, provincial and territorial jurisdictions, including the human, financial and technical resources allocated to provincial and territorial governments;

(b) Promote the enrolment and permanence in education of persons with disabilities, including women and girls, indigenous persons and persons living in remote and rural areas who are persons with disabilities. Please indicate efforts to coordinate activities across jurisdictions with reference to the training of teachers in inclusive education at all levels of education, including in sign language and other accessible formats of information and communication, and the provision of individualized supports in schools and other learning institutions, including through technology and classroom support, accessibility and learning materials.

#### **Health (art. 25)**

24. Please provide information on the steps taken to:

(a) Address the stigma as well as the physical, financial and attitudinal barriers faced by persons with disabilities in accessing quality health-care services, to provide universal coverage of health services, including disability-specific health services, for all persons with disabilities and to provide training for health-care practitioners;

(b) Increase access to information and services related to sexual and reproductive health by persons with disabilities, including transgender and gender-diverse persons with disabilities, such as surgical and medical abortion services, and gender-affirming comprehensive health care;

(c) Review the use of community treatment orders or similar practices to ensure that medical procedures and treatment are performed on the basis of free and informed consent of persons with disabilities.

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

25. Please provide information on the measures taken to fully implement the Committee's recommendations contained in paragraph 48 of its previous concluding observations, in particular on:

(a) The outcome of affirmative action measures, including specific funding targeted for persons with disabilities under Workforce Development Agreements with provincial and territorial governments to promote their employment in the public and private sectors;

(b) The timeline to close sheltered workshops for persons with disabilities and alternative measures taken to increase their employability in the community, in particular with regard to women, indigenous persons and young people with disabilities.

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

26. Please provide information on:

(a) Measures taken at the federal, provincial and territorial levels, including those related to social protection and the review of disability support programmes, to guarantee an adequate standard of living for all persons with disabilities and their families and to reduce the gap across jurisdictions, including information about portability of benefits, especially for those living in poverty, those who are unemployed or who do not have a fixed income owing to their high support requirements, those who are employed but have to cover the additional costs related to disability, those in rural and remote areas, those belonging to indigenous communities, and women and older persons;

(b) Measures taken for the implementation of the First Poverty Reduction Strategy of 2018, aimed at preventing multiple discrimination and poverty, and whether the State party plans to establish an independent monitoring mechanism for federal anti-poverty legislation;

(c) Any assessments of the impact that the ceiling on chargeable income provided under laws and policies, such as Directive 9.10, on extended health benefits, of the Ontario Disability Support Programme, has had on the living conditions of persons with disabilities, including information on the disproportionate impact in relation to disability, gender and age.

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

27. Please provide information on:

(a) The legislative and other measures taken to support participation in political and public life by all persons with disabilities and to facilitate the right to vote of persons with intellectual or psychosocial disabilities at the federal, provincial and territorial levels;

(b) The impact of and challenges in the implementation of the Elections Modernization Act to reduce barriers for persons with disabilities to participate in elections and other measures adopted to remove barriers to accessible information, such as Easy Read information on electoral campaigns and other accessible multimedia material;

(c) Steps taken to promote participation of persons with disabilities facing intersectional forms of discrimination and to review the existing financial support to civil society organizations under the Social Development Partnerships Programme in this regard.

**C. Specific obligations (arts. 31–33)****Statistics and data collection (art. 31)**

28. Please provide information on measures taken for the regular collection of quantitative and qualitative data on the situation of persons with disabilities, disaggregated by age, sex, disability, barriers encountered, employability, ethnicity and geographic location, with a view to developing policies and programmes. Please inform the Committee on concrete steps taken to disseminate and make relevant data accessible to persons with disabilities.

**International cooperation (art. 32)**

29. Please provide information on the steps taken to fully implement the Committee's recommendations contained in paragraph 56 of its previous concluding observations.

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

30. Please provide information on measures taken to designate an independent monitoring mechanism and consider the establishment of a coordination mechanism for the implementation of the Convention in the provincial and territorial jurisdictions and to liaise with the Office for Disability Issues at the federal level. Please provide information on the human and financial resources allocated to the Canadian Human Rights Commission for its functioning. Please indicate efforts made to ensure the participation of persons with disabilities, through their representative organizations, in monitoring processes.

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