



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Combined second and third periodic reports submitted by Canada under article 35 of the Convention, due in 2020\*, \*\*, \*\*\*

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- \* The present document is being issued without formal editing.
  - \*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CRPD/C/CAN/QPR/2-3).
  - \*\*\* The annex to the present document may be accessed from the web page of the Committee.



## Introduction

1. Canada is pleased to submit to the Committee on the Rights of Persons with Disabilities its second and third reports on the *Convention on the Rights of Persons with Disabilities* (CRPD). This report focuses on key measures adopted in Canada to enhance implementation of the CRPD since Canada's last appearance before the Committee in April 2017 and responds to a list of issues provided by the Committee.<sup>1</sup>
2. The responses focus on issues of core relevance to the CRPD's protections, while referring the Committee to additional information provided by Canada to this and other human rights treaty bodies.
3. This report is on implementation by all orders of government. Any reference to "the Government of Canada (GC)" is a reference to the Canadian federal government, while a reference to "Canada" is generally a reference to the federal, provincial, and territorial (FPT) governments. Any reference to a province or territory (for example, Quebec, or the Yukon) is generally a reference to its government.

## Purpose and General obligations

### Reply to paragraph 1 of the list of issues prior to reporting (CRPD/C/CAN/QPR/2-3)

4. In 2018, Canada acceded to the Optional Protocol to the CRPD.
5. In Canada, implementation of the CRPD is a shared FPT responsibility.
6. As outlined in paragraph 11 of Canada's first report,<sup>2</sup> the CRPD is implemented through constitutional and statutory protections, and legislative, administrative, and other measures. In addition, Canadian courts rely on international human rights treaties, like the CRPD, to interpret domestic laws.
7. Some examples include:
  - The federal *Accessible Canada Act*, enacted in 2019, references Canada's status as a State party to the CRPD in its preamble. This legislation seeks to create a barrier-free Canada through the proactive identification, removal and prevention of barriers to accessibility wherever Canadians interact with areas under federal jurisdiction;
  - In 2018, the definition of "person with a disability" in New Brunswick's Premier's Council on Disabilities Act was amended to reflect a human rights-based approach as follows: "person with a disability" means a person who has long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others.";
  - In British Columbia, the CRPD informed development of accessibility legislation for the province. In addition, British Columbia's new Office of the Human Rights Commissioner has a statutory mandate to promote compliance with international human rights obligations. The Commissioner is the first independent human rights Commissioner in British Columbia's history;
  - The *Accessibility for Manitobans Act* references the CRPD and provides a proactive process to remove barriers affecting persons with disabilities and many other citizens. Manitoba is committed to making significant progress by 2023 in becoming more inclusive for everyone and is working with representatives from the disability community, as well as public and private sector organizations to develop accessibility standards;
  - Nova Scotia's Accessibility Act references the CRPD, recognizes accessibility as a human right and sets a goal of an accessible province by 2030.

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<sup>1</sup> CRPD/C/CAN/QPR/2 (dated October 2, 2019).

<sup>2</sup> CRPD/C/CAN/1 (dated July 7, 2015).

- In Quebec, la *Loi assurant l'exercice des droits des personnes handicapées en vue de leur intégration scolaire, professionnelle et sociale*, the government's policy *Equals in Every Respect: Because Rights Are Meant to Be Exercised (EIER)*, — which aims to increase the social participation of persons with disabilities — as well as the *Plan 2015-2019 des engagements gouvernementaux*, are in line with the CRPD. The CRPD was also cited in the EIER policy as a point of reference for its development. The *Loi modifiant le Code civil, le Code de procédure civile, la Loi sur le curateur public et diverses dispositions en matière de protection des personnes*, lois de 2020, chapitre 11, assented in June 2020, makes reference to article 12 of the CRPD.

8. In 2019, the GC hosted its first National Disability Summit, bringing together persons with disabilities, academics, international experts, and representatives from government and the private sector to share information and increase collaboration.

9. In addition to the mechanisms mentioned in paragraphs 7 and 8 of Canada's response to the 2017 List of Issues (2017 LOI response), FPT governments have established the FPT Senior Officials Committee Responsible for Human Rights (2017) and the Forum of FPT Ministers Responsible for Human Rights formalized (2020), which are meeting every two years to discuss matters related to Canada's implementation of the CRPD and other international human rights obligations.

### **Reply to paragraph 2 of the list of issues prior to reporting**

(see also reply to paragraph 30)

10. The GC continues to engage Indigenous organizations and communities on the application of the *Accessible Canada Act (ACA)* for First Nations Band Councils. In 2019, three national Indigenous organizations (Native Women's Association of Canada, British Columbia Aboriginal Network on Disability and the Assembly of First Nations) were provided multi-year funding to engage their members at the national, regional, and community levels.

11. In Alberta, between 2009-2019, the Human Rights Education and Multiculturalism Fund, administered by the Alberta Human Rights Commission, granted funding for disability-related projects. Every year, the Premier's Council on the Status of Persons with Disabilities provides grants to help community groups hold International Day of Persons with Disabilities' events that help raise awareness about the importance and value of respecting differences, accepting and including persons with disabilities and that align with the guiding principles of the CRPD.

12. New Brunswick's Premier's Council on Disabilities, the provincial statutory agency responsible for consultation, study and information-sharing on matters concerning persons with disabilities, has established an Interdepartmental Committee to review the Disability Action Plan and make recommendations. The 2020–2025 Plan is composed of 43 recommendations for action by stakeholders to the provincial government in eight different areas: poverty, housing, disability supports, universal design, transportation, full citizenship, education, and recreation and wellness.

13. The Government of Northwest Territories administers a multi-year contribution agreement with the Disabilities Council to provide programing, including a disability awareness program. One of the Council's areas of focus is related to the intersectionality of disability and race as it relates to barriers experienced by residents who are Indigenous and have a disability.

14. For the first time in 2021, Manitoba proclaimed November Indigenous Disability Awareness Month where the province joined the BC Aboriginal Network on Disability Society (BCANDS) and people across Canada in promoting the barriers experienced by Aboriginal people living with disabilities. On November 24, 2021, the province participated in a webinar hosted by BCANDS related to accessibility standards.

## Specific Rights

### Equality and non-discrimination

#### Reply to paragraph 3 (a) of the list of issues prior to reporting

15. Canada has a strong legal framework to prevent and combat discrimination against persons with disabilities. The *Canadian Charter of Rights and Freedoms* (the Charter) guarantees equality before and under the law and equal protection and benefit of the law, without discrimination based on mental or physical disability and other grounds. See paragraphs 23–25 of Canada’s first report for more detail.

16. FPT human rights laws, which apply to the public and private sectors, prohibit discrimination on grounds such as mental and physical disability, regarding employment, the provision of goods, services, and facilities customarily available to the public and accommodation. See paragraph 25 of Canada’s first report for more detail.

17. Canadian law also prohibits discrimination on multiple or intersecting grounds. Courts have recognized that when multiple grounds of discrimination are present, their combined effect may be more than the sum of their individual effects.

18. A cornerstone of Canadian anti-discrimination law is the duty to accommodate the needs of persons with disabilities. Paragraph 27 of Canada’s first report explains the requirement of employers, service providers, and other duty-bearers.

19. In addition, FPT governments have implemented a broad range of measures aimed at reducing barriers for persons with disabilities in Canada, for example:

- The *Accessibility for Manitobans Act* mandates a minister to provide leadership in achieving accessibility and requires an annual report to the legislature. The law requires the government to prepare and update an accessibility plan;
- The 2017 federal *Genetic Non-Discrimination Act* prohibits requiring an individual to undergo a genetic test to receive federally-regulated goods or services or to enter into or participate in a contract or agreements. It also prohibits requiring an individual to disclose the results of a genetic test in the context of any of these same activities, or the disclosure of genetic test results without consent.

#### Reply to paragraph 3(b) of the list of issues prior to reporting

20. FPT governments recognize that individuals have multiple and diverse intersecting identity factors that impact how they experience government initiatives, and the importance of accounting for such experiences throughout the policy-development process. Some governments implement Gender-Based Analysis Plus (GBA Plus) to design inclusive and accessible policies, programs and initiatives that are responsive, inclusive, and can anticipate and mitigate or eliminate the barriers that persons with disabilities may face. For example:

- Since 1995, the GC has committed to the application of GBA in all decision-making and in 2011 added the “Plus” to emphasize the need to consider many factors in the analysis;
- New Brunswick requires the use of GBA Plus in all government decision-making. New Brunswick’s tool incorporates intersectional analysis by including disability, race/ethnicity, urban/rural, economic status, and other factors in the review of policy, program, legislative and regulatory proposals. To promote non-discrimination and best practices in intersectional analysis, GBA Plus champions have been established in all government departments, along with a community of practice;
- In 2019, Newfoundland and Labrador committed to an ‘all-of-government’ development and implementation approach to GBA Plus on all policies, programs, services, legislation, and budgets. The Disability Policy Office acts as a centre of expertise to support government departments and agencies and their disability lens knowledge addresses multiple and intersectional discrimination.

### Reply to paragraph 3 (c) of the list of issues prior to reporting

21. Canada continues to work towards a more inclusive and equitable country for all, especially for the most vulnerable. Programs and measures in place in areas such as employment, education and housing are designed to support persons with disabilities. Further information can be found throughout the report, in particular under questions 19, 23, and 25.

- Alberta's Persons with Developmental Disabilities Program helps eligible adults with planning and services to meet personal needs and goals. It funds employment supports, home living supports, respite services, short-term support or training and specialized supports;
- In Quebec, special education includes services designed to promote the success of students with disabilities or with adjustment or learning difficulties relating to instruction, socialization, and qualification. In addition, the loans and bursaries program allows students with a major functional disability or severe mental or physical health problem and with insufficient financial resources to pursue vocational high school training or college or university studies;
- British Columbia's BC Rebate for Accessible Home Adaptations Program provides financial assistance to eligible low- and moderate-income households in rebates towards adaptations that directly address an individual's permanent disability or loss of ability and improve their ability to perform the basic activities of daily living.

## Women with disabilities

### Reply to paragraph 4 (a) of the list of issues prior to reporting

22. Promoting and supporting gender equality is a priority for FPT governments. All governments are developing legislation and public policies that support the economic empowerment of women with disabilities and help close existing gaps.

23. Some governments are creating dedicated offices or departments. For example: Quebec has created the *Secrétariat à la condition féminine* in 1979. In 2018, the GC's Status of Women Canada became the Department for Women and Gender Equality, which continues to lead and mobilize federal activities to advance equality by applying GBA Plus, which looks at who is impacted by an issue, how they are impacted, how its initiatives could be tailored to meet diverse needs, and how we can mitigate barriers to accessing initiatives or benefiting from them. British Columbia's Gender Equity Office works across government to ensure that gender equality is included in budgets, policies, and programs.

24. Other governments have plans, programs and strategies, such as Newfoundland and Labrador's Women's Employment Plans, designed to improve the participation of women in employment on commercial and industrial projects, and their Gender Equity and Diversity Plans; Ontario's Women's Economic Security Program provides funding to community organizations for the delivery of employment, pre-employment, apprenticeship, and entrepreneurship training to women facing multiple barriers; and Quebec's *Stratégie gouvernementale pour l'égalité entre les femmes et les hommes vers 2021*, which includes 59 new or enhanced actions that will be implemented through the contribution of 24 departments and agencies.

25. Additional information regarding measures to advance gender equality can be found in Canada's tenth report on the *Convention on the Elimination of All Forms of Discrimination against Women*.

### Reply to paragraph 4(b) of the list of issues prior to reporting

26. Many governments in Canada are developing initiatives that are more inclusive, leading to the elimination of prejudice and negative stereotypes against diverse groups of people, including women with disabilities. Examples include:

- In Prince Edward Island, the Advisory Council on the Status of Women develops public awareness of the issues affecting the status of women and can advise the

Minister with respect to such issues. The campaign “Our Voices Count: Women with Intellectual Disabilities Speak up for Accessible Services” aims to empower women with intellectual challenges and provide them with leadership opportunities;

- To inform Quebec’s future measures in support of women with disabilities and their needs, one action of the *Stratégie gouvernementale pour l’égalité entre les femmes et les hommes vers 2021* is to use existing data to document the realities experienced by women with disabilities. A report is currently being prepared and will be made public before the Strategy expires in 2021. Quebec financially supports projects that foster the economic independence of women with disabilities and that fight gender stereotypes that may affect them.

#### **Reply to paragraph 4 (c) of the list of issues prior to reporting**

27. FPT governments have taken diverse measures to ensure that Indigenous women with disabilities have access to available education programs. For example:

- In 2019, the GC committed to work with the Assembly of First Nations, the Inuit Tapiriit Kanatami and the Métis National Council to develop distinctions-based strategies to advance post-secondary education. These strategies would incorporate student support, understanding of local needs, and community-based programs and services to support Indigenous students holistically to attain a post-secondary credential. A new Inuit Post-Secondary Education Strategy and a new Métis Nation Post-Secondary Education Strategy came into effect in 2020;
- In British Columbia, the Minister’s Advisory Council on Indigenous Women provides advice to the government on how to improve the quality of life of Indigenous women across the province. They draw inspiration from Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples, and by doing so, particular attention is paid to the rights and special needs of Indigenous Elders, women, youth, children, and persons with disabilities in the implementation of this Declaration.

### **Children with disabilities**

#### **Reply to paragraph 5 (a) of the list of issues prior to reporting**

(see also reply to paragraph 28)

28. FPT governments continue to implement measures to protect children with disabilities from discrimination and to enhance data collection. For example:

- The Government of Quebec collects data including disaggregated data, on the situation of children with disabilities, including Indigenous children, in the context of the administration of the Family Allowance. As part of its research activities, *the Commission des droits de la personne et droits de la jeunesse* regularly documents the situation of children with disabilities who are victims of discrimination regarding their rights granted under the *Charter of Human Rights and Freedoms*, in activity sectors where it receives a significant number of complaints, particularly those concerning early childhood education services, educational services at school, health and social services, and recreational services provided by municipalities or private organizations;
- In British Columbia, the Office of the Provincial Health Officer (OPHO) with the support of the Public Health Agency of Canada, initiated the development of the British Columbia Congenital Anomalies Surveillance System in 2019 that uses administrative data originated from multiple sources to ascertain cases of congenital anomalies. This represents an important first step in developing further disaggregated data sets to help illuminate the experiences of persons with disabilities, including disparities in health outcomes. The OPHO works in partnership with First Nations Health Authority and Métis Nation British Columbia, the respective stewards of the First Nations Client File and Métis Nation cohort, to report out at regular intervals on the health and wellness of First Nations and Métis peoples in the province;

- The Human Rights Tribunal of Ontario (HRTO), an adjudicative tribunal that resolves claims of discrimination and harassment brought under the Ontario *Human Rights Code*, collects data on children/youth claims related to the grounds of disability through its case management system; however, it does not produce this data in regular reporting. In 2019–2020, the HRTO received 88 children/youth applications related to the grounds of disability.

#### **Reply to paragraph 5 (b) of the list of issues prior to reporting**

29. At the federal level, *An Act respecting First Nations, Inuit and Métis children, youth and families*, co-developed with Indigenous partners, came into force in 2020. It affirms the rights of Indigenous peoples to determine their laws, policies and practices in relation to Indigenous child and family services and sets out national minimum standards that must be met by every person or entity providing child and family services to Indigenous children.

30. This Act further supports Indigenous children by helping them to stay with their family and community; helping children in care to return to their family; and ensuring they stay connected with their language, culture, and community.

31. The GC also worked with First Nations partners and service delivery organizations to establish a Service Coordination model of care across Canada. These care models will help all First Nations children and their families navigate FPT programming to ensure children get the health and social supports and services they need.

32. FPT governments have the legal obligation to uphold substantive equality in the provision of services to Indigenous children and their families. The Canadian Human Rights Tribunal (CHRT) has determined that Jordan’s Principle requires the GC to ensure First Nations children are not subject to discrimination as First Nations children, no matter where they live in Canada, through access to certain products, supports and services that are specific to their needs as First Nations. Since the 2016 CHRT decision on First Nations child welfare, the GC has committed funding over six years to address health, social and education services and supports.

33. The GC is also fully committed to addressing the needs of First Nations children and has more than doubled funding to child and family services agencies. This funding is based on their needs and with an emphasis on prevention supports to keep families together and reduce the number of Indigenous children in care. Funding was provided in 2018 over six years to the First Nations Child and Family Services Program to ensure the safety, security, and well-being of Indigenous children.

#### **Reply to paragraph 5 (c) of the list of issues prior to reporting**

34. Over the years FPT governments have put forward various measures to include the rights of children with disabilities in public policies, including in early intervention programs. For example:

- In 2017, an agreement on a Multilateral Early Learning and Child Care Framework was made which committed FPT governments to increase inclusivity of children with varying abilities.<sup>3</sup> Building on this work, the GC has committed to building a Canada-wide Early Learning and Child Care system with PTs, and Indigenous partners to ensure all families have access to high-quality, affordable, flexible and inclusive child care, no matter where they live;
- The GC’s Enabling Accessibility Fund (EAF) has committed funding to improve physical accessibility of childcare centres;
- The GC’s Maternal Child Health and Aboriginal Head Start on Reserve programs provide opportunities for children to access services such as diagnosis, screening, and assessment, as well as referral to other community resources for special needs support

<sup>3</sup> Although it subscribes to the general principles of the Multilateral Framework on Early Learning and Child Care, Quebec has not signed on to the framework, as it has exclusive responsibility in this area under shared jurisdiction.

or diagnosis. The Community Action Program for Children and the Aboriginal Head Start for Urban and Northern Communities Program provide sustained funding to community-based groups to develop and deliver comprehensive, public health programming, support services, and resources for children and their families that face health equity barriers and conditions of risk;

- New Brunswick continues to require the use of a Child Rights Impact Assessment (CRIA) in all government decision-making. The CRIA's basic question is the extent to which policy, program, legislative and regulatory proposals promote the implementation of the *Convention on the Rights of the Child (CRC)*, including Article 2 concerning equality rights and non-discrimination;
- In 2019, British Columbia had begun gathering research and other information to identify opportunities to improve access, quality and coordination of services and programs for children and youth with support needs (CYSN) and their families. This work would inform the development of a draft CYSN service framework;
- In Ontario, the best interests, protection, and well-being of children is the paramount purpose of the *Child, Youth and Family Services Act, 2017 (CYFSA)*. It also recognizes that services should be provided in a way that accounts for physical, emotional, mental, developmental, cultural, and linguistic needs and differences including race, disability, family diversity, creed, sex, sexual orientation, gender identity and gender expression. The aim of the CYFSA is to be consistent with and build upon the principles expressed in the CRC.

## **Awareness raising**

### **Reply to paragraph 6 (a) of the list of issues prior to reporting**

35. FPT governments have taken measures to combat stigma, stereotypes, prejudices and negative attitudes towards persons with disabilities. For example:

- The ACA has designated the last week of May as National AccessAbility Week to celebrate the contributions of Canadians with disabilities and recognize the individuals, communities, and workplaces actively removing barriers;
- In 2021, Manitoba established an endowment called the Manitoba Accessibility Fund with assistance from the Winnipeg Foundation, which holds the fund. Beginning in 2022, the Manitoba government will distribute the growth in the form of grant funding to help Manitoba organizations meet their requirements under the *Accessibility for Manitobans Act*;
- The GC provides funding to help Special Olympics Canada expand and improve the athlete and volunteer experience, build capacity and positive attitudes among Canadians, tailor outreach programs in under-served communities, and support high-quality programs;
- The Canada School of Public Service provides training and resources to federal public servants on disability inclusion and barriers to accessibility in their work and service delivery;
- In Alberta, the annual Premier's Council Awards publicly acknowledge the efforts and accomplishments of individuals, groups, businesses and organizations to develop barrier-free, inclusive communities in Alberta. Alberta officially proclaimed October as Disability Employment Awareness Month, which is an opportunity to promote equal opportunities for persons with disabilities;
- The Disability Policy Office of Newfoundland and Labrador engaged with and provided funding to a community organization to develop and launch a social media campaign, aimed at shifting public attitudes by challenging negative stereotypes and building knowledge about barriers and how to remove them;
- Alberta, Northwest Territories and Ontario have made investments to provide awareness about Fetal Alcohol Spectrum Disorder (FASD). They have developed



public campaigns sharing information about the risks of consuming alcohol while pregnant, dignity-promoting messages that shift public thinking and help rethink the way in which Canada talks about FASD.

### **Reply to paragraph 6 (b) of the list of issues prior to reporting**

(see also reply to paragraphs 19 and 27)

36. In 2018, the GC provided funding to increase support for Canadians with autism spectrum disorder (ASD), including the creation of the Autism and/or Intellectual Disability Knowledge Exchange Network (AIDE Canada) to develop online resources, an inventory of services, employment opportunities and local programming for families across the country, based on their specific needs.

37. From 2014 to 2021, the GC provided funding for Ready, Willing and Able, an initiative delivered through third party organizations aimed at improving employment outcomes for persons with intellectual disabilities and ASD by matching job opportunities.

38. The GC has committed to work collaboratively with PTs, families and stakeholders toward the creation of a national autism strategy to improve the health and well-being of people with ASD and their caregivers. Public consultations for the strategy have focussed on social inclusion, economic inclusion, and evidence-based supports.

39. PT governments also have measures in place to promote leadership among persons with disabilities, in particular persons with intellectual disabilities, through work done with representative organizations. For example:

- In Quebec, persons with intellectual disabilities have access to a range of specific, specialized services offered by the Quebec health and social services network. In 2017, the Government of Quebec adopted the *Plan d'action sur le trouble du spectre de l'autisme 2017–2022—Des actions structurantes pour les personnes et leur famille*. This plan aims to ensure an improved response to the needs of persons with ASD and their families. This action plan lists 10 major objectives and 35 coordinated measures for persons with ASD to help them develop to their full potential, become fulfilled, and support their family;
- Alberta's Transitional Vocational Program is designed to provide learners with developmental disabilities the life skills and vocational training they need to successfully access employment opportunities and live independently in the community.

## **Accessibility**

### **Reply to paragraph 7 of the list of issues prior to reporting**

40. The Canadian Commission on Building and Fire Codes (CCBFC) develops and updates national building codes, which set requirements for safe, accessible, and energy-efficient construction and are published every five years by the National Research Council of Canada. These codes are adopted in PT regulations and enforced by PTs and municipalities. The 2020 National Model Construction Code is expected to include expanded accessibility provisions for buildings when it is published in December 2021. In addition, the CCBFC has made livable communities, including accessibility, egressability and visitability, a priority for the 2025 codes development cycle.

41. In 2019, the GC released its Accessibility Strategy for the Public Service of Canada, co-developed with persons with disabilities. Accessibility assessments are being conducted on a portion of government buildings and pilot initiatives are being undertaken in consultation with persons with disabilities to identify opportunities to improve the accessibility of facilities. To ensure accessibility of Canada's parliamentary buildings, the Government has developed a Universal Accessibility Review and Action Plan, working closely with an Accessibility Advisory Panel consisting of a range of disability organizations.

42. The GC is addressing transportation within the federal jurisdiction through the Accessible Transportation for Persons with Disabilities Regulations (ATPDR) and the new

Accessible Transportation Planning and Reporting Regulations (ATPRR). The development of both regulations included consultations with the Canadian Transportation Agency's Accessibility Advisory Committee, representatives of disability organizations, the transportation industry, and other interested parties. Most of the ATPDR requirements came into force in 2020, including the requirement for transportation service providers to accept service dogs (see question 20). Some regulated entities will have obligations under the ATPRR starting on December 31, 2022.

43. Internationally, the GC created a working group to develop recommendations for the safe storage and transportation of mobility aids in air travel and led an international working group through the International Civil Aviation Organization to develop a compendium of regulations, statutes, and policies related to accessibility in aviation.

44. In 2018, the Canadian Radio-television and Telecommunications Commission approved new standards that will ensure continued access to and improved quality of Message Relay Services, which allows persons with a hearing or speech disability to make and receive telephone calls via text with the assistance of a relay operator. Further, text with 9-1-1 is available to persons in Canada who are deaf, deafblind, hard-of-hearing or who have speech disabilities, enabling 9-1-1 call centres to converse using text messaging during an emergency.

45. Additionally, broadcasters must now reach an accuracy level of 98 based on the "NER (Number, Edition error and Recognition error) model" for closed captioning, measured pursuant to the Canadian NER Evaluation Guidelines using certified NER evaluators. The Closed Captioning Working Group will report on the implementation of the Canadian NER Model over the first year (2019–2020).

**Reply to paragraph 8 (a) of the list of issues prior to reporting**

(see also reply to paragraph 1)

46. The federal ACA, which came into force in 2019, provides for the proactive identification, removal, and prevention of barriers to accessibility in the federal jurisdiction across seven key priority areas: employment; built environment; information and communication technologies (ICT); communication other than ICT; procurement of goods, services and facilities; design and delivery of programs and services; and transportation. In December 2021, the *Accessible Canada Regulations* were published. These regulations will require all federally regulated parties to prepare and publish accessibility plans and progress reports, establish a process for receiving feedback on accessibility, and meet any other requirements established in regulations.

47. The ACA established Accessibility Standards Canada (ASC), led by a board of directors comprised of a majority of persons with disabilities, to develop accessibility standards in collaboration with persons with lived experience, the disability community, industry, and other technical experts. In 2021, five technical committees focused on ASC's initial priorities: plain language, outdoor spaces, employment, emergency egress (exit), and built environment. ASC also works with other Canadian organizations to co-develop federal accessibility standards and meets with PTs to create a seamless experience of accessibility in Canada. PT measures include:

- In June 2021, the Government of British Columbia enacted the *Accessible B.C. Act*, it will allow the government, with guidance of a Provincial Accessibility Committee, to develop new accessibility standards that will address barriers in a range of areas such as employment, education, transportation, buildings and infrastructure;
- In 2019, Saskatchewan announced that new legislation would be introduced aimed at removing and preventing accessibility barriers for persons with disabilities. The first phase of engagement took place in February and March 2021 and provided an opportunity for Saskatchewan people to share their ideas and suggestions for accessibility legislation. Results were announced in summer 2021;
- Nova Scotia has created the Access by Design 2030 strategy that will ensure that persons with disabilities in Nova Scotia have equitable access to: buildings and outdoor spaces; an inclusive public and post-secondary education; employment;

information and communication; goods and services; and transportation within and between communities.

### **Reply to paragraph 8 (b) of the list of issues prior to reporting**

(see also reply to paragraph 21)

48. FPT governments are improving the availability of public information in alternative modes, for example:

- The GC is working to implement the Transitional Strategy for the Production of Alternate Format Books to support: the production of accessible books at the publishing source; new solutions to address technology gaps that limit access to accessible books; and national not-for-profit organizations that produce accessible materials for persons with print disabilities;
- In 2019, British Columbia gathered feedback in preparation for the *Accessible B.C. Act*. The Framework for Accessibility Legislation and the Summary Report Accessibility Legislation Consultation were available in a variety of accessible formats including DAISY, ASL video and braille;
- British Columbia is working towards provincial websites being compliant with World Wide Web Consortium (W3C) AA Level of the Web Content Accessibility Guidelines (WCAG AA);
- Starting in January 2020, the Government of Ontario and the Legislative Assembly are required to make all internet and intranet websites and web content WCAG 2.0 Level AA compliant. Since January 2021, public sector and private and not-for profit organizations with 50 or more employees in Ontario are required to make new and significantly refreshed websites and web content conform to WCAG 2.0 Level AA;
- In 2018, the Government of Quebec launched its new website that meets the requirements for Website Accessibility Standards. In compliance with the *Stratégie d'optimisation des communications numériques et des présences Web gouvernementales*, other government websites and content will be progressively brought under the Quebec.ca umbrella to offer an integrated end-to-end user experience and a harmonized environment, which will optimize information-sharing and access to digital services.

## **Right to life**

### **Reply to paragraph 9 (a) of the list of issues prior to reporting**

49. In Canada, competent adults who make a voluntary request for medical assistance in dying (MAID), who have a serious and incurable illness, disease or disability, who are suffering intolerably, and who cannot be relieved, whose medical situation is characterized by an advanced and irreversible decline in their abilities may be eligible. In addition, a person may only lawfully receive MAID if they have given informed consent “after having been informed of the available means to relieve their suffering, including palliative care.”<sup>4</sup>

50. There was a requirement that a person’s natural death be reasonably foreseeable to be eligible for MAID. However, following a declaration of invalidity of the eligibility criterion requiring that natural death be reasonably foreseeable by a Quebec Superior Court judge,<sup>5</sup> the GC introduced legislation to repeal this eligibility criterion and to add safeguards for those persons requesting MAID whose deaths are not reasonably foreseeable. This legislation known as Bill C-7, became law when it received Royal Assent in March 2021.

51. The measures enacted by the new legislation reflected input heard during public consultations via an online questionnaire that garnered over 300,000 responses. In addition, the federal ministers of Justice, of Health, and of Employment, Workforce Development and Disability Inclusion hosted ten in-person roundtables across the country with experts and

<sup>4</sup> Canada’s *Criminal Code*.

<sup>5</sup> *Truchon v. Attorney General of Canada*, 2019 QCCS 3792. This judgment was not appealed.

stakeholders. Some disability organizations were concerned that removing the eligibility criterion requiring a foreseeable natural death would allow a disability or illness to serve as a justification for the termination of life in a way that no other personal characteristic could and argued that legislation that equates significant disability with eligibility for MAID would be subject to challenge for violation of section 15 of the Charter (equality rights). Others were of the view that a “two-track” system of safeguards (i.e., one set of safeguards for those whose deaths are reasonably foreseeable, and a different set with additional safeguards for those whose deaths are not reasonably foreseeable) was a good approach to protecting persons who might be vulnerable, while not placing additional burden on persons who are dying. This system is included in the new legislation.

52. MAID is a shared responsibility between two orders of government, as the federal government is responsible for criminal law and PT governments are responsible for health care. As such, PT governments have additional measures in place to ensure reasonable and safe access to MAID, for example:

- Alberta Health Services (AHS) has developed a MAID Care Coordination Service to act as a single point for patients, families and health care providers. It is a dedicated service in AHS that helps coordinate the entire MAID process, from arranging assessments, to filling out forms, to coordinating physicians to administer MAID. The Care Coordination Service supports patients and families by providing information and access to education and support, and linkages to all end-of-life care options, including MAID services. It also supports medical practitioners in coordinating care and services related to MAID and all end-of-life care options, and provides linkages to education, resource materials, and specialty consultation services;
- In Quebec, *la Loi concernant les soins de fin de vie (An Act respecting end-of-life care)* sets out the conditions for obtaining MAID, including when a person has a serious and incurable disease. Quebec also has the *Commission sur les soins de fin de vie (Commission on end-of-life care)*, whose mandate is to examine any issue related to end-of-life care and to monitor the application of specific requirements for MAID.

#### **Reply to paragraph 9 (b) of the list of issues prior to reporting**

53. In 2018, federal regulations formalized a monitoring regime for MAID in Canada that sets out reporting obligations for practitioners regarding requests for and the provision of MAID, and for pharmacists dispensing drugs for MAID.

54. The monitoring regime uses data - core statistics regarding written requests for MAID and their outcomes, the circumstances of patients requesting and receiving MAID, and certain socio-demographic characteristics of those who request MAID — to illustrate how the legislation is working and how the eligibility criteria are being applied. Data regarding the application of eligibility criteria is also collected, e.g., practitioners must assess the voluntariness of the patient’s request for MAID to determine that it is made freely and voluntarily and is not a result of any external pressure or coercion.

55. Former Bill C-7 enhanced the federal MAID monitoring regime by extending data collection and reporting to provide a more comprehensive picture of how MAID is being implemented in Canada. Changes include allowing for the collection of data on all assessments following a person’s request for MAID and providing an expanded regulation-making authority to establish new data collection requirements related to race, Indigenous identity, and disability, in order to help detect the presence of individual or systemic inequality or disadvantage in the context of or delivery of MAID. Health Canada is currently in the process of updating the monitoring regulations to align with these changes, and new regulations are expected to be finalized in 2023.

56. While the GC is responsible for monitoring MAID in Canada, the PTs have the responsibility for providing oversight of MAID delivery, which is to ensure and enforce individual medical or nurse practitioners’ compliance with applicable standards.

57. Some jurisdictions, such as British Columbia, Alberta, Saskatchewan, Manitoba and Quebec, have implemented review committees to ensure MAID is being provided in accordance with applicable standards. The regulatory bodies for medicine, nursing and

pharmacy in each PT are also responsible for promoting the lawful practice of MAID and ensuring that health professionals act in accordance with principles of professional conduct and established standards of care.

58. In 2021, the second federal Annual Report on MAID in Canada (2020) was published using data collected under the Regulations, including information on the use and availability of palliative care and disability services:

- 82.8% of individuals receiving MAID were reported by their practitioners to have received palliative care services (82.1% in 2019);
- Of those MAID recipients who did not access palliative care services before receiving MAID, the majority (88.5%) would have had access to these services according to the reporting practitioner (89.6% in 2019);
- 43.6% of the MAID recipients were reported as requiring disability support services (41.2% in 2019), with 90% of these individuals having received these services (89.8% in 2019).

## **Situations of risk and humanitarian emergencies**

### **Reply to paragraphs 10 and 18 (b) of the list of issues prior to reporting**

59. The GC's Settlement Program for immigrants and refugees includes a Support Services stream which funds a range of provisions for disabilities and services to facilitate access to settlement services. The Settlement Program also helps to ensure that settlement Service Provider Organizations are accessible.

60. In 2020, the Settlement Program prioritized improved supports for clients with unique barriers including persons with disabilities, by introducing a range of customized or expanded services to respond to client needs.

61. The Panel Member Guide for immigration medical examinations (IME) includes an anti-discrimination provision and addresses the applicant's right to a chaperone during IME appointments. It instructs panel physicians to apply the principle of equal rights to all applicants and to accommodate applicants' cultural and other needs, which may include mental and physical disability needs.

62. In 2017, the GC expanded the Interim Federal Health Program (IFHP) to include coverage of in-transit medical supports for refugees destined to Canada, ensuring safe and timely travel for refugees requiring special medical assistance. Within Canada, the IFHP provides refugees and asylum claimants with limited, temporary coverage of health-care benefits, consistent with insurance offered by PTs. The range of supports for persons living with a disability includes visual and hearing aids, eating and drinking aids, assistive devices for personal mobility, personal support workers, and therapies.

63. PT governments have measures in place through which asylum seekers and refugees with disabilities can access government programs and services. For example:

- Alberta's Supports Contact Centre provides information on more than 30 programs and 120 services for seniors, persons with disabilities, job seekers, parents and families, homelessness, financial assistance, abuse, and family violence prevention, available in more than 100 languages and text telephone province-wide (see question 7);
- Ontario funds services that support the needs of newcomers with disabilities, including the Newcomer Settlement Program, Language Interpreter Services, and Adult Language Training.

64. Regarding international cooperation, Canada's approach is articulated in Gender Equality in Humanitarian Action, launched in 2019. It requires that all humanitarian initiatives integrate into their design, implementation, monitoring, and evaluation gender equality considerations with an intersectional approach including disability, as well as support the collection and analysis of data disaggregated by sex, age, disability, and other

diversity factors. Canada also advocates for disaggregated data in international fora, including resolutions, to address the specific needs and priorities of persons with disabilities.

## **Equal recognition before the law**

### **Reply to paragraph 11 of the list of issues prior to reporting**

65. Provisions in the Income Tax Act regarding who may open and make decisions about a Registered Disability Savings Plan (RDSP) rely on the legal representation framework in place in PTs, which include supported and substitute decision-making.

66. In 2019, the GC funded research projects of disability organizations to gain a better understanding of the barriers faced by persons with disabilities in exercising decision-making and the development and testing of tools to better implement supported decision-making.

67. For 2021 and subsequent taxation years, the requirements to close an RDSP because its beneficiary becomes ineligible for GC's Disability Tax Credit (DTC) has been removed. In addition, beneficiaries are no longer required to obtain a certificate from a licensed medical doctor or nurse practitioner certifying that they are likely to regain approval to receive the DTC in the future in order for the plan to remain open. A transitional rule ensured that an RDSP issuer would not be required to terminate an RDSP after March 18, 2019, and before 2021, solely because the RDSP beneficiary lost approval to receive the DTC. These program enhancements received Royal Assent in 2021, bringing into force related amendments to *Canada Disability Savings Regulations* retroactive to January 1, 2021.

68. PT measures include:

- In June 2020, Quebec adopted the *Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons*<sup>6</sup> which promotes the autonomy of persons and aims to improve the protection provided to people in vulnerable situations. In March 2021, there were 13,426 persons under a public protection regime, 1302 under a protection mandate. As for the people who are not under the responsibility of the Public Curator, there were 9,799 who were under a private protection regime. In summary 36,317<sup>7</sup> persons were either under a private or public protection regimen;
- In 2019, New Brunswick enacted the *Enduring Powers of Attorney Act*, replacing three other statutes and clarifying the law. The new Act governs all aspects of enduring powers of attorney and health care directives, including who may be appointed; when that person may exercise authority; what that person's duties are; and what health care providers must do when a patient has appointed a person to make health care decisions or has made a health care directive. The new Act also includes measures to improve accountability and reduce the likelihood of financial abuse.

69. Discussions continue among governments on ways to improve processes to support persons with disabilities in their decision-making.

## **Access to justice**

### **Reply to paragraph 12 (a) of the list of issues prior to reporting**

70. Canada has no current plans to repeal or amend the law with respect to finding individuals unfit to stand trial or not criminally responsible on account of mental disorder. To do so would have a profound impact on constitutionally-protected rights of individuals with significant mental illness.

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<sup>6</sup> Laws of 2020, Chapter 11. This act has not yet taken effect, except for subsection (2) of section 153, which takes effect on October 1, 2021.

<sup>7</sup> The real total number of persons seems to be 35,524. +A single person could at the same time have a public and a private protection regime. For this reason, the sum of the number of persons by type of measure does not correspond to the total sum of persons represented.

**Reply to paragraph 12 (b) of the list of issues prior to reporting**

71. In addition to information provided in paragraphs 35–36 of Canada’s 2017 LOI response, FPT governments are taking measures to ensure that persons with disabilities can access information and application processes to bring claims for the protection of their rights. For example:

- Since 2014, the Department of Justice Canada has been working with a number of Federal Administrative Bodies to develop an Access to Justice Index for FPT and municipal bodies to identify practices to improve access to justice. The Index is an online self-assessment tool divided into four categories: access to the administrative body (including physical access and access through technology), processes, costs and outcomes;
- Alberta’s *Adult Guardianship and Trusteeship Act* applies to individuals with intellectual disabilities. If an individual lacks capacity over legal matters of a personal nature, then the legislation allows a guardian to be appointed with authority over that area. The guardian can apply for legal aid. If the legal matter is of a financial nature, and the individual lacks capacity, a trustee can be appointed and can advance the claim on behalf of the incapacitated person;
- In Ontario, each Ministry of the Attorney General courthouse has a courthouse accessibility coordinator who is the main point of contact for information on accessibility for persons with disabilities or to facilitate requests for accommodation in court services and proceedings. The types of accommodation or support provided depends on an individual’s disability and the purpose of their visit to a courthouse.

**Reply to paragraph 12 (c) of the list of issues prior to reporting**

72. The GC has embarked on a multi-faceted and multi-year approach to legal aid in Canada to reduce regional disparities regarding legal aid service for vulnerable people. In 2018, funding was announced over five years to address sexual harassment in the workplace, primarily aimed at providing legal assistance to vulnerable populations.

73. Examples of PT governments’ measures include:

- In British Columbia, Legal Aid BC has a network of regional offices, local agents, and community partners who work to ensure access to legal aid and other justice services. Legal Aid BC takes legal aid applications at more than 50 locations throughout the province. Additionally, British Columbia provided funding to establish seven legal clinics across the province, which provide advice and representation in a variety of areas of law, including poverty law, immigration, and housing. One of these clinics – the Disability Law Clinic at Disability Alliance BC – provides free legal advice and representation to persons with disabilities living on low incomes, with a focus on disability law;
- Quebec’s *Commission des services juridiques* has established 11 regional legal aid centres that serve all Quebec administrative regions. Legal services are provided either by lawyers employed by a legal centre or by lawyers in a private practice who agree to represent a client under a legal aid mandate. The legal aid network has offices in 83 cities and towns in Quebec, totalling 105 units. Of these, eight offices are open full time and 18, part time.

**Reply to paragraph 12 (d) of the list of issues prior to reporting**

74. Further to information provided in paragraphs 37–38 of the 2017 LOI response, FPT governments have provided training to workers of the justice, police, and prison systems to promote the rights of persons with disabilities. For example:

- In order to respect the constitutional principle of judicial independence, judicial education in Canada is managed by the judiciary. The Canadian Judicial Council requires social context education to ensure that judges are aware of the challenges faced by vulnerable groups. Also included is practical guidance on accommodating persons with disabilities and other vulnerable persons in court processes. In 2019,

newly-appointed Ontario judges heard from a clinical psychologist about relevant developmental issues and testimonial accommodations available when a child witness or a witness with an intellectual disability or a mental illness testifies;

- As part of the 2019 International Day for Persons with Disabilities, the GC hosted an accessible knowledge exchange symposium through the Federal Victims Strategy for victim service providers and other criminal justice professionals. It focused on responding to violence against persons with disabilities and provided training on how to improve the accessibility of the justice system and service responses for victims with disabilities;
- Manitoba’s Community Living disability Services program has worked closely with Manitoba Justice to develop a province-wide protocol to follow when a vulnerable person is arrested and detained in a provincial correctional centre. There are now procedures to ensure the appropriate supports are provided to both the vulnerable person and the corrections system. Further, all prosecutions staff are required to take training on Manitoba’s accessibility legislation;
- Quebec’s *Commission des services juridiques*, the organization responsible for applying the *Act respecting legal aid and the provision of certain other legal services*, conducts awareness and training activities with its employees and partners. To do so, it ensures that all employees concerned are aware of the *Politique de traitement des demandes d’aide juridique* and the *Politique de documentation dans le traitement des demandes d’aide juridique*. In addition, training and the development of “webinar” type capsules are examples of common tools made available to all professionals in order to ensure a coherent and uniform processing of legal aid applications for the entire network.

## **Liberty and security of the person**

### **Reply to paragraph 13 (a) of the list of issues prior to reporting**

75. In addition to information provided in paragraphs 39-40 of the 2017 LOI response, PT governments have measures in place to protect the rights of persons who have engaged in criminal activity or pose a risk to public safety and need to be detained or hospitalized, in particular in the case of persons with intellectual and/or psychosocial disabilities. For example:

- In Nova Scotia, persons placed in a hospital against their will under the provisions of the *Involuntary Psychiatric Treatment Act* have access to a Patient Rights Advisor who helps patients admitted under the Act to understand their rights, and to ensure that the proper process is followed to protect their rights;
- In Northwest Territories, a new *Mental Health Act*, which came into force in 2018, guides short-term assessments and care of persons experiencing a mental health crisis. The Act, which has a strong focus on individual rights and safety, includes provisions for involuntary patients who may be held in facility for assessment, care or treatment;
- In Prince Edward Island, under the *Mental Health Act*, persons are not detained for reasons of disability alone. Persons who are involuntarily admitted to a hospital may be admitted, detained, restrained and observed for up to 72 hours.

### **Reply to paragraph 13 (b) of the list of issues prior to reporting**

76. FPT governments have measures in place to assess the needs of detained persons with disabilities. The following are examples of individualized supports for persons with disabilities who are detained in prisons or detention facilities.

- The GC’s Mental Health Strategy includes five key components for the screening and care of inmates that range from mental health screening at intake, primary and intermediate mental health care, psychiatric hospital care, and transitional care for release to the community. Individualized treatment plans and protocols are developed based on the needs of individual offenders;



- The GC's Intensive Intervention Strategy in Women's Institutions provides a framework of the services, interventions, and appropriate security measures applied to women inmates classified as maximum-security and/or women with mental health needs. Additionally, Enhanced Support Houses provides well-trained staff for the delivery of interventions to women with cognitive limitations and/or mental health needs, who are not able to function effectively in the community-style living environment;
- Ontario has established a comprehensive Inmates with Disability Policy and procedures, for the management of inmates with disabilities consistent with obligations under the Charter, the *Ontario Human Rights Code* and the AODA. This policy applies a comprehensive disability lens and includes discussing with the inmate to identify their needs to provide the best supports.

### **Reply to paragraph 13 (c) of the list of issues prior to reporting**

77. FPTs are implementing measures to address the overrepresentation in prison of certain groups of the population, including persons with disabilities, Indigenous and migrant persons, for example:

- As part of the *Plan d'action sur le trouble du spectre de l'autisme 2017–2022*, the government of Quebec has committed to implementing a strategy aimed at adapting Quebec's justice system and supporting people with a serious mental health disorder, an intellectual disability or an autism spectrum disorder. This commitment has taken concrete form with the adoption of the *Stratégie nationale de concertation en justice et santé mentale*, which is based on the following guiding principles: to adopt an approach that respects the rights of the individual and recognizes their particularities, to favour an inclusive approach, to promote consideration of the legitimate interests of victims of crime and to ensure respect for and protection of witnesses, to focus on accompaniment and support by recognizing the power to act of the persons concerned, to favour continuity and complementarity of interventions, to respect universal accessibility to health care and social services and, finally, to favour consideration of regional particularities;
- In Manitoba, the Winnipeg Mental Health Court (MHC) is a weekly sitting of the Provincial Court that offers pre-sentence intensive services and supports to persons whose criminal involvement is a direct result of their mental illness. Persons who have been diagnosed with a severe and persistent mental disorder, such as schizophrenia or bipolar mood disorder, and committed certain criminal offences may be eligible for MHC. Custodial sentences will not be made in the Mental Health Court. The FASD court, for youth and adults, is similarly designed to address the specific needs of these offenders.

## **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

### **Reply to paragraph 14 of the list of issues prior to reporting**

78. Consideration of potential accession to the *Optional Protocol to the Convention Against Torture* is ongoing.

79. FPT governments continue to work to ensure that restrictive practices in residential institutions, psychiatric institutions, hospitals, prisons and schools are eradicated. PTs have specific guidelines and policies to prevent abuse by establishing specific protocols for the use of restraint or seclusion measures. The majority of these policies and guidelines require written authorization from a physician; these types of procedures are only used under extreme circumstances to guarantee the safety and well-being of individuals.

80. Some of these policies include: Alberta's Persons with Developmental Disabilities Operational Policy and the *Protection for Persons in Care Act*; British Columbia's Policy on Restraint and Seclusion Regarding Children and Youth in Care and the *Health Care (Consent) and Care Facility (Admission) Act*; Manitoba's Ministerial Guidelines for the Safe Use of

Restraints in Personal Care Homes and the *Health Services Insurance Act*; and Ontario's *Health Care Consent Act*, *Mental Health Act* and the *Patient Restraints Minimization Act*, 2001.

81. In 2019, the federal *Act to amend the Corrections and Conditional Release Act and another Act* came into force. With these amendments, a new federal correctional model was introduced to replace administrative segregation through the opening of Structured Intervention Units (SIU), to be used when inmates cannot be managed safely within a mainstream inmate population. Inmates in SIUs are provided with opportunities for meaningful human contact and to continue or to enroll in targeted interventions, social programs and healthcare from registered health care professionals, with the goal of having them return to and remain in the mainstream inmate population as soon as possible. The new model is subject to independent external oversight, providing added transparency and accountability.

82. British Columbia, Manitoba, Northwest Territories, Nunavut, Ontario, and Quebec have conducted reviews of their policies regarding segregation practices in prisons and correctional facilities and have introduced changes to ensure that national and international standards are applied.

83. PTs have measures in place to ensure that the situation of persons with disabilities in these settings is monitored to prevent cruel, inhuman or degrading treatment. For example, in Manitoba, New Brunswick, Nova Scotia and Quebec, the respective Ombudsman offices can conduct inspections and/or investigations of issues of public concern happening in places of detention.

## **Freedom from exploitation, violence and abuse**

### **Reply to paragraph 15 of the list of issues prior to reporting**

84. Canada's *Criminal Code* contains a robust framework that protects all persons from sexual offending, including a specific offence prohibiting sexual exploitation of persons with disabilities (section 153.1). Moreover, evidence that an offence was motivated by bias, prejudice or hate, for a variety of reasons, including the physical or mental disability of a victim, is considered an aggravating factor for sentencing purposes under Canada's criminal law.

85. Amendments to the *Criminal Code* sexual assault provisions came into force in 2018, including enhanced protection of the complainant's privacy, equality and security of the person rights in sexual assault trials.

86. In 2017, the GC announced *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* (GBV), which is based on three pillars: prevention; support for survivors and their families; and the promotion of responsive legal and justice systems. Investment in projects support diverse populations, including persons with disabilities and other vulnerable groups.

87. In 2019, the GC's Advisory Committee on Indigenous Women's Wellbeing was established and brought together First Nations, Inuit and Métis women's organizations to lead conversations with the government about what Indigenous women and their families need for safe and healthy lives, and what role the government should play in supporting them. Committee members have identified family violence as a priority.

88. PT governments, within their jurisdiction, are taking steps to ensure that women and girls are protected from all types of violence, in particular those who are more vulnerable due to intersecting identities such as having a disability, being Indigenous, from a racialized community, etc. For example:

- British Columbia's Civil Forfeiture Crime Prevention and Remediation grant program supports community-led projects. Funded projects have included innovative community-based projects aimed at supporting persons with disabilities, and Indigenous women and girls;

- Ontario's Disability Support Program's policy contains important safeguards/supports for applicants/recipients with disabilities who may be subject to and/or trying to escape violent/abusive situations. In addition, individuals with disabilities who temporarily reside in an emergency hostel or shelter for abused women to escape violence or at a hospital or substance abuse recovery home to receive treatment, may continue to receive the full amount of income support under ODSP to maintain a community residence and support their economic self-sufficiency.

### **Reply to paragraph 16 of the list of issues prior to reporting**

89. The GC is working on two distinct but aligned action plans to address violence against women and girls. The National Action Plan to End GBV builds on the foundation laid by the Strategy to Prevent and Address GBV and aims to ensure that all women, girls, LGBTQ+ and Two Spirit people facing GBV have reliable and timely access to protection and services.

90. The 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQA+ People National Action Plan and Federal Pathway respond to the National Inquiry into Missing and Murdered Indigenous Women, Girls Calls for Justice and the Truth and Reconciliation Commission's Calls to Action. The Plan was developed in collaboration with Indigenous partners and PT governments. The Pathway acknowledges that the violence suffered by Indigenous women, girls and 2SLGBTQQA+ people is a result of systemic anti-Indigenous racism, colonialism, disableism and other forms of discrimination therefore an intersectional lens is being applied to the implementation of the Plan.

91. More than sixty projects have been funded through programs under the GBV Strategy, addressing promising practices to support victims and survivors of GBV and their families, including women and girls living with disabilities. In addition, under the GBV Strategy, the Social Development Partnerships Program – Disability component (SDPP-D) funded two projects on cross disability issues in Canada affecting a person throughout their life, and the key issues faced by women and girls with disabilities in Canada.

92. The GC provides funding to communities to operate 46 emergency shelters on reserve and in the Yukon. The Program also funds community-driven prevention projects and needs assessments on and off reserve for First Nation, Inuit and Métis women and families. Some projects may focus on supporting Indigenous women and children with disabilities in the context of violence prevention.

## **Protecting the integrity of the person**

### **Reply to paragraph 17 of the list of issues prior to reporting**

93. Forced or coerced sterilization is a serious violation of human rights and medical ethics and a form of gender-based violence that constitutes a criminal offence in Canada. All PT involuntary sterilization laws have been repealed since 1973.

94. The *Criminal Code* assault provisions prohibit touching of any kind without the consent of the person being touched. These provisions apply in a medical setting; where a person has decision-making capacity, physicians must obtain informed consent from that person before performing a medical procedure, including surgery.

## **Liberty of movement and nationality**

(for 18(b) see reply to paragraph 10)

### **Reply to paragraph 18 (a) of the list of issues prior to reporting**

95. Canada's health admissibility provisions for immigration applicants are designed, in part, to reduce impacts on Canada's publicly funded health and social services systems. Under the policy, a foreign national is inadmissible if they have a health condition that might reasonably be expected to cause an excessive demand on health or social services. Nevertheless, no health condition results in an automatic refusal of an applicant.

96. The *Immigration and Refugee Protection Act* exempts certain applicants from the excessive demand provision, including Convention refugees, protected persons and some members of the family class (such as dependent children and spouses). In 2018, the GC implemented a temporary public policy to align the health admissibility policy with Canadian values on diversity and inclusion.

## **Living independently and being included in the community**

### **Reply to paragraph 19 (a) of the list of issues prior to reporting**

97. In PTs where institutions are still operating, governments continue to work towards increasing community-based services. For example:

- Nova Scotia is planning for the closure of large residential programs over time and developing more community-based support options; the number of adults in residential institutions decreased from 1,059 in 2014–2015 to 873 in 2019–2020;
- In Manitoba, home care is a community-based program that provides home support to any eligible Manitoban, regardless of age, who requires health services or help with daily living activities. Home care services within Manitoba are provided through the Regional Health Authorities;
- The Northwest Territories Supported Living Program provides support and supervision for persons who have a physical, intellectual and/or cognitive disability but do not need nursing care. This program provides services in a home-like setting while supporting persons with disabilities maintain as much independence as possible;
- Since 2018–2019, Ontario’s Passport program provides direct funding for adults with developmental disabilities to live more independently and become more involved in their communities. As of March 2020, 52,588 persons with developmental disabilities were receiving support through the program, an increase of approximately 5,500 since 2018–2019.

### **Reply to paragraph 19 (b) of the list of issues prior to reporting**

98. Accessibility of health care facilities on reserve is ensured through the GC’s Health Facilities Program (HFP). The Needs and Prioritization Framework is used to assist HFP with funding allocations by correlating current national health facility standards with service delivery.

99. The GC’s Assisted Living Program provides funding for non-medical, social support services to seniors and adults with chronic illness, and children and adults with disabilities on reserve and in the Yukon to help them maintain their independence.

100. In 2018–2019, Assisted Living Program services were provided to approximately 10,450 in-home care clients, 100 adult foster care clients, and 1,000 institutional care clients. In 2019, funding was provided to work with First Nations and Inuit communities on developing a more holistic long-term care strategy over two years.

### **Reply to paragraph 19 (c) of the list of issues prior to reporting**

(see also reply to paragraph 3)

101. FPT governments are enhancing the availability of affordable and accessible housing for persons with disabilities and to address homelessness among this group. For example:

- Launched in 2017, the GC’s National Housing Strategy (NHS) will help more Canadians access affordable housing that meets their needs. The 2019 *National Housing Strategy Act* reinforces the NHS and takes a human rights-based approach to prioritize the housing needs of the most vulnerable;
- The NHS Act establishes the Federal Housing Advocate who examines and reports on systemic barriers to accessing affordable housing and the National Housing Council, which advises the Minister of Housing and Diversity and Inclusion on the

effectiveness of the NHS. Launched in 2019, the community-based *Reaching Home: Canada's Homelessness Strategy* aims to prevent and reduce homelessness;

- The National Co-Investment Fund offers low-cost loans and contributions for new construction and repair of affordable housing. At a minimum 20% of units must meet or exceed accessibility standards. The target is to create at least 2,400 new affordable housing units for persons with developmental disabilities by 2027–2028;
- Independent Living BC in British Columbia is a partnership between BC Housing, provincial health authorities, the Canada Mortgage and Housing Corporation (CMHC), and non-profit and private-market housing providers. The program's assisted living units provide a middle option between home care and residential care, so individuals can continue to live independently;
- Funded in part by CMHC, the *New Brunswick Housing Strategy 2019–2029* includes measures to support stable and sustainable affordable housing by creating inclusive and diverse communities, renovating and refurbishing existing Public Housing stock, and creating new affordable units throughout the province;
- Prince Edward Island's Community Outreach Centre is a community-led initiative to support homeless individuals and others needing community and government supports, to make connections to those supports. To complement the outreach services a 28-unit/20 room transitional housing service for persons who can live independently in the community but need additional supports to be able to successfully do so was opened. These initiatives ensure their physical locations are accessible.

## Personal mobility

### Reply to paragraph 20 of the list of issues prior to reporting

102. FPT governments are taking measures to eliminate discrimination against persons with disabilities in the use of service and/or guide dogs with respect to equal access to public spaces.

103. Canadian human rights legislation prohibits discrimination against persons with disabilities working with service animals. In addition, Alberta, British Columbia, Saskatchewan, Manitoba, Newfoundland and Labrador, and Nova Scotia have specific Service Dogs/Animals Acts; and Alberta, Ontario and Nova Scotia have specific provisions under their Blind Persons' Rights Acts.

104. Some human rights commissions, like the New Brunswick and Manitoba Human Rights Commissions, have issued specific guidance for accommodating persons with disabilities working with service animals.

## Freedom of expression and opinion, and access to information

### Reply to paragraph 21 of the list of issues prior to reporting

(see also reply to paragraph 8)

105. Examples of measures in place by PTs to provide information in alternative formats include:

- Alberta provides resources to students in the K-12 education system who are hearing-impaired. Dual language programs use a bilingual curriculum to develop competencies in language and literacy through access and exposure to both American Sign Language (ASL) and English. Children in a dual language program develop a visual language, ASL, as their first language;
- Ontario provincial Schools for the Deaf provide instruction for students from K-12. The schools teach the Ontario curriculum and parallel courses provided in district school boards. The schools provide a bilingual-biliteracy school and residence program which facilitates students' language acquisition, learning and social development through ASL and English or *Langue des signes Québécoise* (LSQ) and

French. The Ontario College of Teachers offers additional qualifications for teaching students who are Deaf, including a three-part Additional Qualifications course (AQ) in ASL, a three-part AQ in LSQ, and a specialist AQ called, Teaching Students who are Deaf or Hard of Hearing – ASL/LSQ.

## Respect for home and the family

### Reply to paragraph 22 of the list of issues prior to reporting

106. Responsibility for health and social services falls under PT jurisdiction, with the GC providing funding through Canada Health Transfer. In 2017, agreement was reached to provide targeted transfers in key priority areas, including home, community and palliative care, and mental health and addiction services.

107. The GC has responsibility for direct service delivery to certain populations, including Indigenous persons on-reserve. The Brighter Futures/Building Healthy Communities program provides funding to First Nations and Inuit families and communities to develop community-based approaches to better health. Community members are involved in the design of programs.

108. The Government's Urban Programming for Indigenous Peoples is designed to assist First Nations, Inuit and Métis living in or transitioning to urban centres. It provides funding to organizations, such as Friendship Centres or other service providers, to deliver a variety of holistic and culturally-appropriate programs and services, and to support some of the most at-risk community members, including Indigenous parents and children with disabilities.

109. In June 2021, the GC's *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent and came into force. The *Act* provides a framework for federal implementation of the Declaration over time. Canada engaged a broad array of Indigenous peoples and organizations, as well as industry stakeholders on the development of this legislation. The GC also had discussions with PT governments prior to the adoption of the bill.

110. Some of the measures established by PT governments to support families include:

- In Quebec, parents with disabilities have access to a range of specific, specialized services offered by the health and social services network. These services focus on the development of all life skills, including the parental role. Depending on the assessment of their condition and based on their intervention plan, parents also have access to home support services to support them in their tasks;
- In British Columbia in 2019–2020, the rate of Indigenous children and youth in care declined by 4 per 1,000 in the population—an improvement of 9% from 2018–2019. Also, in 2019–2020, 91.3% of all children assessed with a protection concern could safely live with family or extended family. In 2019–2020, 86.6% of Indigenous children and youth assessed with a protection concern could safely live with family or extended family. With support from BC Provincial Deaf & Hard of Hearing Services, over 30 ASL videos were created and uploaded to some of the most visited child and family web pages. Recent online townhalls with children, youth and families using services provided live captioning with CART (Communication Access Realtime Translation);
- In Nunavut, the Child Support Guidelines, under the *Children's Law Act*, provide financial and legal support for families during a parental separation. The amount of financial support may be individually calculated if there is a financial undue hardship as a result of an individual or child with a disability. Currently the only disability-related work ongoing within the government is related to FASD. Programming is provided by the Piruqatigiit Resource Centre and funded by Inuusivut. Campaigns and programming are focused on education and prevention. The Qaujigiartiit Health Research Centre also offers the Innuguiniq Parenting Program;
- In July 2018, Saskatchewan launched an individualized funding program for children under six who have been diagnosed with ASD. The initiative aligns with the

recommendations of the Disability Strategy to better support families to care for their children with disabilities, and to improve access to interventions and supports for children with disabilities in their early years. In July 2021, the program was expanded to include children under the age of 12 and in November 2021, the eligible services were also expanded.

## Education

### Reply to paragraph 23 (a) of the list of issues prior to reporting

111. Canada's education systems are exclusively PT responsibility, except for the education system for First Nations children on reserve, which is the responsibility of the GC. The GC does not have the authority or responsibility to directly regulate school settings and classroom approaches within First Nation schools on reserve and is not in a position to report on the individual status of students with disabilities who may receive education in segregated or mainstream settings.

112. PT governments continue to work towards building inclusive education systems that can ensure the full participation of students with disabilities. Further to information provided in the 2017 LOI response, some examples of programs and measures include:

- In Alberta, the Education Act, the *Alberta Human Rights Act*, and Human Rights Guide: Duty to Accommodate Students with Disabilities in Post-Secondary Education Institutions reflect the importance of an inclusive education system that provides each student with access to learning opportunities and supports necessary to achieve success. The government provides targeted funding to school jurisdiction and to post-secondary institutions to support the costs associated with providing supports, services and accommodations to students with disabilities;
- British Columbia's Special Education Policy promotes an inclusive education system in which students with disabilities and diverse abilities are fully participating members of a community of learners. The practice of inclusion is not necessarily synonymous with full integration in regular classrooms and goes beyond placement to include meaningful participation and the promotion of interaction with others. Fourteen public post-secondary colleges and universities in British Columbia provide Adult Special Education programs for adults with intellectual/cognitive disabilities or a combination of barriers to academic success;
- Within the last 5 years, New Brunswick developed strategies and resources to ensure a clear understanding and consistent implementation the Inclusive Education policy. The key areas of success include: improving transition planning and creating community partnerships for high school students; strengthening the structures of their collaborative teams; creating the Autism Learning Partnership; rolling out an Integrated Service Delivery model to provide mental health supports and services for children and youth; and, working closely with the early learning and child care sector to support the development of an inclusion policy and the implementation of inclusive practices;
- In Northwest Territories, the Ministerial Directive on Inclusive Schooling ensures that all students have access to quality educational programming in their home communities with their age-appropriate peers. At the heart of the implementation of this directive are specific Inclusive Schooling (IS) staff in each regional school board and in each school. This staff consists of a regional IS coordinator, program support teachers and support assistants. The school-based staff ensure that all students - regardless of ethnicity, ability level, gender, sexual orientation, creed, background, strengths and challenges, etc. - fully and effectively participate in the school community;
- In Ontario, students with special needs are integrated into regular classes, with additional supports based on the individual needs of the student. In some cases, learning outcomes may be best supported by the intensive supports associated with a congregated setting, for instance in a Provincial School or provincial Demonstration

School. For students whose needs cannot be met entirely in the regular classroom, a range of placement options is available: a regular class with indirect support, a regular class with resource assistance, a special education class with partial integration, a full-time special education class.

### **Reply to paragraph 23 (b) of the list of issues prior to reporting**

113. FPT governments are undertaking initiatives to ensure the enrolment and permanence in education of persons with disabilities. For example:

- The Canada Student Financial Assistance Program provides targeted supports to students with permanent disabilities through two non-repayable grants. These students may also be eligible for the Repayment Assistance Plan for Borrowers with a Permanent Disability, which assists borrowers having difficulty repaying their student loans, and the Severe Permanent Disability Benefit, which provides loan forgiveness;

#### *Teacher training*

- In Alberta, recognized Bachelor of Education programs must prepare teachers to meet the Teaching Quality Standard. Among the competencies within this Standard is the requirement that a teacher “establishes, promotes and sustains inclusive learning environments where diversity is embraced and every student is welcomed, cared for, respected and safe”. Teacher preparation programs will have different ways of preparing their graduates for this competency requirement, and it is likely that most include coursework that is directly related to “inclusive education”;
- In Manitoba, professional teacher certification requires by regulation that teachers-in-training receive six credit hours of Special Education coursework and 3 credit hours of Indigenous Issues coursework to support all students, including those with special learning needs;
- Teachers in Prince Edward Island can apply to have an additional designation in inclusive education or an additional designation in school counselling assigned to their Teacher’s Certificate if they meet certain academic requirements;

#### *Provision of supports in schools and other learning institutions*

- The GC provides funding for First Nations students on reserve with identified high-level special needs to cover reasonable accommodation and support measures within inclusive school settings, such as assistive technologies and equipment; speech, language and paraprofessional services; and modification of instructional/resource materials for adaptive learning purposes;
- PT governments including British Columbia, Manitoba, New Brunswick, Prince Edward Island, Ontario, Alberta, Saskatchewan, Newfoundland and Labrador and Quebec have programs to ensure that supports in school are provided to students with disabilities. These supports can include assistive technology, support teams, consultants, health services, grants for acquiring equipment etc. The supports provided to students vary depending on their individualized needs.

## **Health**

### **Reply to paragraph 24 (a) of the list of issues prior to reporting**

114. FPT governments are working to remove barriers faced by persons with disabilities in accessing quality health care services, including through training of health practitioners. For example:

- Nunavut works to ensure that persons with disabilities have the supports they require. Supports are provided on an as-needed basis. All health centres in Nunavut are wheelchair accessible. When persons with disabilities need to travel for care, they are provided with the escorts they require, including health staff if necessary. Nunavut



also has a home care program that provides care in the home as well as housekeeping support;

- Manitoba's Disability and Health Supports Unit offers a streamlined, one-stop-shop to help eligible clients access disability and health-related supports in a consistent, fair and efficient manner. Manitoba has also entered into Service Purchase Agreements with not-for-profits based in the community to provide health-related services tailored to the specific needs of Manitobans with disabilities;
- Newfoundland and Labrador has committed in its strategic plan – The Way Forward – to implement an individualized funding model as well as client focused interventions to support individuals who face complex systemic barriers. The individualized funding model was developed with the help of community organizations and individuals who avail themselves of Community Supports through Health and Community Services. The model is aligned with the Provincial Framework for the Inclusion of Persons with Disabilities; feedback from provincial disability-related organizations; the CRPD; and the disability rights movement;
- Ontario has implemented initiatives including laws and policies to ensure accessibility and equity for persons with disabilities within the healthcare system, including a committee to provide recommendations for developing a potential health standard under the AODA. Ontario has funded the Nuts and Bolts of Health Care project to modify and develop tools to assist direct support professionals in understanding the health care needs of the adults they support and help persons with developmental disabilities to navigate and interact with the health care system;
- Quebec has implemented the *Agir tôt* program, which significantly improves the ability to identify developmental vulnerabilities in children at an early stage through the progressive deployment of a computerized platform in all regions of Quebec. The program also plans to enhance professional early intervention services over the next few years. It will enhance the services offered by the Special Needs Program (SNP) and the Physical Disability (PD), Intellectual Disability (ID) and ASD programs in order to significantly reduce delays in access to services. In addition, Quebec also published a ministerial reference framework for the organization of disability services in 2017 that promotes the notion of integration of care and services and defines a service organization model to be as close as possible to individuals and living environments. The needs of individuals, their families and their loved ones are the basis for the organization of services.

#### **Reply to paragraph 24 (b) of the list of issues prior to reporting**

115. The GC is working in collaboration with PTs, First Nations, Inuit and Métis peoples, community-based organizations and other partners and stakeholders to reduce vulnerability to sexually transmitted and blood-borne infections (STBBI) and promote the sexual health of Canadians, including persons with disabilities, through the Pan-Canadian Framework for Action on STBBI and the GC Five-Year STBBI Action Plan.

116. The GC funds work to promote health equity for people living with HIV and other episodic disabilities, and to increase the capacity of persons with cognitive disabilities and their service providers to openly discuss sexual health and prevention of STBBI, consensual versus abusive relationships, and to access sexual health services.

117. PT governments are also implementing measures that support access to information and services related to sexual and reproductive health by persons with disabilities. For example:

- British Columbia's First Nations Health Authority aims to improve geographic and equitable access to culturally competent, holistic and wellness focused health prevention and promotion services, including reproductive health. The province's ACCESS clinic at the BC Women's Hospital and Health Centre provides women with disabilities with pelvic exams, contraceptive advice, menstrual management, sexually transmitted infections screening, among other referral services;

- In Nunavut, gender and disability-inclusive language has been incorporated into programming materials prepared by the territorial Sexual Health Program coordinator;
- In 2020, funding was provided to the Prince Edward Island Association for Community Living for the project, My Body, My Choice Promoting Healthy Choices and Relationships for Women with Intellectual Disabilities. The project educates women with intellectual disabilities who are 18 years old or older to make safe, healthy choices regarding their own personal and sexual relationships both in person and online.

#### **Reply to paragraph 24 (c) of the list of issues prior to reporting**

118. PTs have laws, policies and regulations in place to ensure that all medical treatment for persons with disabilities is performed on the basis of free and informed consent. For example:

- In Ontario, a Community Treatment Order (CTO) is a legal order, issued by a doctor, and consented to by the person or his or her substitute decision-maker. The CTO outlines the conditions a person with a serious mental health issue must meet to live in the community. A person who is being considered for a CTO, or who is subject to a CTO, and that person's substitute decision-maker, both have a right to retain and instruct counsel (and to be informed of that right) and the right to consult a rights adviser. As well, each time a CTO is issued or renewed, the person subject to the order, or any person on his or her behalf, may apply to the Consent and Capacity Board to inquire into whether the criteria for issuing or renewing a CTO have been met;
- In Nunavut, *the Mental Health Act* does not permit community treatment orders. For all treatment with mental health and addiction, clients' informed consent is confirmed. If the client is under guardianship, the guardian is involved immediately.

### **Work and employment**

#### **Reply to paragraph 25 (a) of the list of issues prior to reporting**

(see also reply to paragraph 3 (c))

119. Each year, the GC provides over \$900 million in funding for individuals and employers to obtain skills training and employment supports through the Workforce Development Agreements (WDAs), with PTs. With specific annual funding targeted for persons with disabilities, these agreements represent the GC's largest labour market investment for persons with disabilities and are also used to support members of underrepresented groups. In 2021–2022, over 170,000 persons with disabilities received employment and training supports under the WDAs. The agreements also allow to provide supports to employers seeking to train current or new employees.

120. Persons with disabilities are also served by a range of other skills training and employment programs offered by FPT governments.

121. In 2020, the GC launched the 50–30 Challenge to advance and recognize diversity and inclusion by challenging organizations to reach 50% gender parity and 30% significant representation of under-represented groups on their Canadian Boards and senior management teams. The 30% includes persons with disabilities, racialized, Black and/or People of Colour, 2SLGBTQ+ and/or gender and sexually diverse individuals and Aboriginal and/or Indigenous Peoples. The Government is funding the development of tools and resources to advance diversity and inclusion in workplaces. So far, over 1500 organizations have signed up.

122. The GC invests funding through the Opportunities Fund (OF) for persons with disabilities to prepare for, obtain and maintain employment of self-employment, and progress in their careers. The program also provides employer supports, such as awareness activities and projects that aim to help employers prepare workplaces for the integration of persons with disabilities to make workplaces more inclusive and accessible. The OF received an

additional funding over six years to better support employers, including small and medium-sized enterprises.

123. As part of the Disability Inclusion Action Plan, the GC is developing a robust Employment Strategy for Canadians with disabilities to support an inclusive restart to the economy and address long-standing and systemic barriers to labour market participation faced by persons with disabilities.

124. As part of the Accessibility Strategy for the Public Service, the GC has created the Centralized Enabling Workplace Fund, including a portable accessibility “passport” for public servants with disabilities and a centralized “library” of adaptive devices and services. It has also introduced the Federal Internship Program for Canadians with Disabilities and aims to hire 5,000 persons with disabilities by 2025.

125. Further to information provided under question 3, PT initiatives include:

- Manitoba continues to implement key initiatives under the Manitoba Government Diversity and Inclusion Strategy (MGDIS) and the Internship and Employment Equity Development (IEED) Programs. MGDIS is the government-wide framework for building an exemplary civil service that is inclusive and reflective of the population it serves. IEED programs facilitate recruitment and retention of qualified individuals from the employment equity groups into the Manitoba Civil Service, including persons with disabilities. On May 1, 2019, Manitoba also enacted the Accessible Employment Standard under the *Accessibility for Manitobans Act* to remove and prevent barrier that affect current and potential of Manitoba’s Labour Force;
- Newfoundland and Labrador’s Office of Employment Equity for Persons with Disabilities Employment Services provides wage subsidies to government departments to hire persons with disabilities and provides employment counselling, job search techniques, job placement and labour market information to individuals. Additionally, the government funds 18 agencies to develop and maintain job opportunities for individuals with intellectual disabilities. In 2019–2020, over 1,300 individuals participated in this program with 681 being employed;
- Nova Scotia’s Employment Support Services, under the *Employment Support and Income Assistance Act*, promotes the employment of persons with disabilities in the public and private sectors through the following programming: the Workplace Support Program, the Technical Aids and Assistive Devices component, the Workplace Attendant Support component; and the Work Activity Program, which supported 577 participants in 2019–2020;
- In 2019, the Government of Quebec unveiled the second *Stratégie nationale pour l’intégration et le maintien en emplois des personnes handicapées 2019–2024 : Pour un Québec riche de tous ses talents*. Recognizing that people with disabilities are one of the most under-represented segments of the workforce, the Strategy promotes the integration and retention of persons with disabilities by facilitating their access to the labour market;
- British Columbia’s Public Service Diversity and Inclusion Strategy aims to reduce barriers to accessibility in the workplace which includes a 12-month paid internship with the British Columbia Public Service for recent graduates who have a disability. This unique program allows those facing barriers to achieve gainful employment.

#### **Reply to paragraph 25 (b) of the list of issues prior to reporting**

126. The use of sheltered workshops or segregated work environments for persons with disabilities is on the decline in favour of community-based day service or social enterprise models. However, reliable data on these types of workplaces is limited in Canada. Alternative measures implemented by PT governments to increase the employability of persons with disabilities in the community include:

- In 2019–2020, Newfoundland and Labrador partnered with five community agencies across the province to introduce the Employment Transitions for Individuals with Autism pilot. The goal of the project is to provide the supports and services necessary

in the creation of new employment opportunities for persons on the Autism Spectrum. It is projected that in the first year of the pilot, agencies will work with 50 individuals on the spectrum and assist them with the transition to employment;

- Alberta's Income Support Program provides employment training and transition supports to cover expenses associated with seeking, accepting and/or maintaining employment to participate in an employment preparation program, in a training program, or in an academic upgrading program. This support may be issued to applicants or recipients who are working on starting confirmed employment, including a supported employment.

## **Adequate standard of living and social protection**

### **Reply to paragraph 26 (a) of the list of issues prior to reporting**

127. FPT governments are supporting persons with disabilities and their families obtain an adequate standard of living. For example:

- The Post-Retirement Disability Benefit (PRDB) was introduced in 2019 as an additional Canada Pension Plan (CPP) benefit to protect CPP contributors who develop a disability after beginning to receive their retirement pension. CPP contributors under the age of 65 who are no longer able to work regularly at any substantially gainful occupation due to a severe and prolonged disability may qualify to receive the PRDB;
- In 2021, the GC committed to engage with PTs on the design of a proposed Canada Disability Benefit as part of the Disability Inclusion Action Plan. FPT ministers responsible for social services met in 2021 to discuss improving collaboration to support persons with disabilities and agreed to meet again and continue this discussion. The GC also engaged stakeholders through an online survey and roundtable discussions, which are ongoing;
- As of May 2020, in New Brunswick, the monthly social assistance rate for single persons in the Extended Benefits Program (for persons with medically certified disabilities) was increased by 5%. Starting on April 1, 2021, this rate was indexed to the change in the New Brunswick Consumer Price Index to protect the purchasing power of persons with disabilities;
- The Government of Quebec offers two financial aid measures for children with disabilities: the Supplement for Handicapped Children (SHC) and the Supplement for Handicapped Children Requiring Exceptional Care (SHCREC). The SHC is paid out to families who receive the Family Allowance and is intended to alleviate the parents' financial burden due to the care required by the child. If the child has multiple and very severe disabilities that prevent them from acquiring life skills, or if they need complex medical care at home for at least one year, the SHCREC can be added to the SHC;
- In the fall of 2018, Prince Edward Island released its Poverty Reduction Action Plan. One of the four pillars of this plan is "to support the most vulnerable", which recognizes that persons with disabilities are at greater risk of living with low income. One significant action item was the development of the Secure Income Program, to provide an adequate standard of living for persons with disabilities who have severely limited capacity to work. A pilot of the Secure Income Program began in February of 2020.

### **Reply to paragraph 26 (b) of the list of issues prior to reporting**

128. In 2018, the GC released *Opportunity for All – Canada's First Poverty Reduction Strategy*, and in 2019, the *Poverty Reduction Act* became law. Further, in 2019, the Government released an update on the Strategy, which highlighted accomplishments, including the GC meeting its interim target of reducing poverty by 20% by 2020—a full three years ahead of schedule, as poverty declined from 12.1% in 2015 to 9.5% in 2017. Further,

the update shows that poverty among persons with disabilities declined from a rate of 18% in 2015 to 14% in 2017, while new data released through the 2018 Canadian Income Survey found that it had declined further to reach 13.1%.

129. In 2019–2020, the GC committed to new investments of over \$12 billion to the Poverty Reduction Strategy to support initiatives such as the Canada Child Benefit, Canada Workers Benefit, and the NHS all from which persons with disabilities benefit.

#### **Reply to paragraph 26 (c) of the list of issues prior to reporting**

130. The ‘ceilings on chargeable income’ help ensure that individuals on the Ontario Disability Support Program (ODSP) are always better off when they are working. ODSP provides earnings exemptions which encourage participants to work or participate in paid training programs by allowing them, their spouses and dependent adults, to earn income while they are receiving financial assistance. The earnings exemption amount is the first \$200 that is earned from employment, a business or a training program by each adult member of the benefit unit per month, plus an additional 50% partial exemption on earnings that are over \$200. This means that 50 cents of every dollar earned above \$200 is exempt and the other 50 cents is deducted from income support. The amount of a benefit unit’s chargeable earnings may be further reduced by the following deductible amounts: the actual amount for licensed child care or \$600, per child; and disability-related employment expenses up to maximum of \$1,000 that is necessary to enable a person to be employed.

131. In Newfoundland and Labrador, earnings exemptions provide Income Support clients who work with the ability to keep additional income over and above their monthly Income Support benefits, offering them an opportunity to become employed and better provide for themselves and their families while maintaining eligibility. The current earnings exemptions structure recognizes that persons requiring supportive services encounter greater challenges in their day to day living and enhanced financial resources are essential to ensure equity. Persons requiring supportive services retain higher amounts of earned income through earnings exemptions.

### **Participation in political and public life**

#### **Reply to paragraph 27 (a) of the list of issues prior to reporting**

132. The GC provides closed captioning services of televised parliamentary debates and committees.

133. Elections Canada’s Advisory Group for Disability Issues provides advice on electoral service improvements and making voting more accessible. Leading up to and during an election, Elections Canada also partners with disability organizations to share information about how to participate in the electoral process.

134. For the 2019 federal election, Elections Canada launched an inclusive voter information campaign, developed with persons with disabilities, to raise awareness about their participation in the electoral process. Specific outreach efforts were undertaken to promote the participation of persons with autism and intellectual and developmental disabilities.

135. PT governments are committed to supporting the full participation of persons with disabilities in political and public life. Governments such as Alberta, British Columbia, New Brunswick and Newfoundland and Labrador have established channels of engagement with the disability community that have been critical to policy development in this area. Examples of measures being implemented by other PTs:

- In Quebec, apart from adults under curatorship, everyone protected by the State can participate in municipal and provincial elections without restriction. Once curatorship is abolished in 2022, adults under curatorship will be transferred to tutorship and will recover their right to vote;
- In Northwest Territories, the vision of the Disability Action Plan is a territory characterized by equality, accessibility, inclusion, and participation. by persons with

disabilities in all aspects of economic and social life in the Northwest Territories, by pursuing all avenues and resources available.

#### **Reply to paragraph 27 (b) of the list of issues prior to reporting**

136. Informed by consultations with disability organizations, Elections Canada has implemented measures to reduce or eliminate barriers when voting, including: improving accessibility of polling sites and signage; providing training to electoral staff; introducing a monitoring and feedback process for the accessibility of polling sites; and offering a variety of voting methods, communication channels and information in alternate formats and plain language. Guidance for political parties and candidates about conducting accessible campaigns is also available.

137. In 2018, the *Elections Modernization Act* broadened the application of accommodation measures to all persons with disabilities and created a financial incentive for registered parties and candidates to accommodate persons with disabilities during an election period.

138. PT governments are implementing measures to reduce barriers for persons with disabilities in election processes, such as accessible at-level polling stations, interpreters, braille templates, absentee ballots, sealed envelope ballots, in-poll assistance, accessible websites, informative YouTube videos with close-captioning, etc. Some specific examples include:

- During the 2018 general election in Ontario, and in response to feedback from community agencies representing persons with disabilities, the use of personal phones and assistive devices by persons with disabilities during the election was permitted. In 2019, Elections Ontario developed a new digital outreach kit called Voting Choices. The introduction of technology in the polls was considered to have had a very positive effect on the election;
- In Quebec, the bill *Loi modifiant la Loi sur les élections et les référendums dans les municipalités, la Loi sur l'éthique et la déontologie en matière municipale et diverses dispositions législatives*, tabled in autumn 2019, contains provisions to improve accessibility to polling stations during municipal elections. These amendments would require the electoral officer to justify to the municipal council why a polling station could not be placed in a venue accessible to persons with disabilities before the election, rather than after. The electoral officer would also be required to transmit a document on this subject to the Chief Electoral Officer of Quebec. The amendments would also require the returning officer to offer voting at home for electors whose polling division is located in an inaccessible polling station.

#### **Reply to paragraph 27 (c) of the list of issues prior to reporting**

139. The SDPP makes strategic investments to support GC priorities related to children and families, persons with disabilities, the voluntary sector, official language minority communities and other vulnerable populations by playing a unique role in furthering broad social goals.

140. The SDPP–D, seeks to improve the participation and social inclusion of persons with disabilities in all aspects of Canadian society by providing project and operating funding to not-for-profit organizations.

## **Specific obligations**

### **Statistics and data collection**

#### **Reply to paragraph 28 of the list of issues prior to reporting**

141. The 2017 Canadian Survey on Disability (CSD) provides information about Canadian youth and adults whose everyday activities are limited due to a long-term condition or health-related problem. This information may be used to plan and evaluate services, programs

and policies for Canadians living with disabilities to enable their full participation in society in accordance with Canada's obligations relating to the CRPD. The 2022 CSD is currently in development with new data available in 2023.

142. The Indigenous Peoples Survey (IPS) is a national survey on the social and economic conditions of First Nations people living off reserve, Métis and Inuit. The IPS aims to provide current and relevant data for a variety of stakeholders, including Indigenous organizations, communities, service providers, researchers, governments, and the general public. IPS 2022 is currently in development.

143. Canada facilitates Indigenous organizations to collect, analyze and disseminate data on diverse populations to inform the development and delivery of programs and services to First Nations and Inuit. For example, in 2018, the GC made permanent funding available for an Inuit health survey, which is being undertaken by a national Inuit organization, the Inuit Tapiriit Kanatami. The Qanuippitaa National Inuit Health Survey (QNIHS) is driven by Inuit and reflects Inuit health data needs. Results will be disaggregated by sex, age, disability, health status, and other risk/protective factors.

144. In 2019, the GC made permanent funding available for the First Nations Regional Health Survey (RHS). This survey is developed, conducted, and carried out by the First Nations Information Governance Centre, which is First Nations owned and operated. The RHS represents a reliable source of health data for First Nations living on-reserve and in northern communities, with results disaggregated by sex, age, disability, and other health factors. The fourth phase of the RHS is currently under development.

145. PT governments have different avenues to collect data on the situation of persons with disabilities, for example:

- The 2019 Northwest Territories' Community Survey collected data related to housing adaptations for persons with disabilities as well as wheelchair accessibility. This information is available at a community level from the Northwest Territories Bureau of Statistics website;
- In Ontario, data is collected from individuals with developmental disabilities when they apply for adult developmental services. The needs assessment process collects information such as age, gender, geographic location, and support needs. Data is also collected from persons with disabilities and their family members when they apply for income support through the Ontario Disability Support Program. The government continues to modernize and transform the delivery of employment services and life stabilization supports, and new person-centered data collection tools are being developed.

## **International cooperation**

### **Reply to paragraph 29 of the list of issues prior to reporting**

146. Canada participates in the Global Action on Disability's (GLAD's) Inclusive Education Working Group and hosted the 2019 GLAD Annual Meeting as Canada's commitment to the meaningful inclusion of persons with disabilities in international assistance. A portion of Canada's total international assistance continues to advance disability-inclusive development outcomes through various initiatives. For example, Canada strengthens health and education systems by making them more inclusive for persons with disabilities; provides greater access to physical and functional rehabilitation services to those suffering the effects of landmine explosions and armed conflict; supports women with disabilities who are survivors of sexual and gender-based violence; and empowers persons with disabilities living in poverty to gain meaningful skills for employment.

147. Statistics Canada (StatsCan), as a member of the Inter-Agency Expert Group on Sustainable Development Goals (SDGs) indicators, has been central to the development of the Global Indicator Framework (GIF) for SDGs. StatsCan collects Canadian data for the GIF and makes these data publicly available on its SDG Data Hub website, which was launched in 2018. To complement the GIF, StatsCan developed the Canadian Indicator

Framework (CIF) in collaboration with other federal departments and agencies. The disaggregation of data from the CIF will reflect Canadian diversity, allowing the CIF to measure how the SDGs are benefiting or falling short for specific populations, including underrepresented groups.

## **National implementation and monitoring**

### **Reply to paragraph 30 of the list of issues prior to reporting**

148. In 2019, the Canadian Human Rights Commission was given the formal mandate and funding to monitor the GC's implementation of the CRPD.

149. In 2019, the GC funded disability organizations to build capacity to use the OP-CRPD and facilitate the disability community's international engagement in the monitoring and implementation of the CRPD in Canada.

150. In 2020, the GC provided three-year funding to three national Indigenous organizations to develop parallel reports to reflect the perspective of Indigenous persons with disabilities in monitoring and reporting of the CRPD.

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