



Canadian Association of
Statutory Human Rights Agencies


*Association canadienne des
commissions et conseil des droits de la personne*

Canada and the UN Convention on the Rights of Persons with Disabilities



Ontario
Human Rights Commission

Commission ontarienne des
droits de la personne



The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was set up to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

It is about the rights of persons with disabilities and the things that countries that have approved the Convention are expected to do to.

Canada approved the CRPD in March 2010. Now Canada must take action.

What does Canada have to do?

Canada already has laws to protect the rights of people with disabilities, such as the Canadian Charter of Rights and Freedoms and federal, provincial and territorial human rights codes. The new UN Convention will help make those laws stronger.

The CRPD says it applies to all levels of government. Every province and territory in Canada, as well as the federal government, must develop and carry out policies, laws and measures to make sure they put the rights listed in the CRPD in place. Under Article 4, governments have to begin fixing laws, regulations, customs and practices that discriminate. They also have more specific obligations under other Articles of the CRPD.

Specific rights and obligations

Here are some of the things that Canada has agreed to do:

Legal equality and protection:

- ❖ Make sure everyone is treated equally under our laws and in our courts, that discrimination is not allowed and steps are taken (called “accommodation”) to meet the needs of people with disabilities (Article 5).
- ❖ Make sure women and girls with disabilities are treated equally and achieve as well as men and boys (Article 6).
- ❖ Protect children with disabilities and give them the chance to comment on important things that affect them (Article 7).

Promote awareness:

- ❖ Change the way many people see persons with disabilities. Get rid of stereotypes and bias and help show what persons with disabilities are capable of. (Article 8).

Accessibility:

- ❖ Find and get rid of obstacles and barriers and make sure persons with disabilities can access transportation, public facilities and services, and information and communications technology (such as computers and the Internet) (Article 9).

Right to make decisions:

- ❖ Make sure persons with disabilities have the same legal rights as others to express their free will and preferences and make decisions (“legal capacity”) in all parts of their lives, including controlling their own finances.
- ❖ Provide persons with disabilities the supports they may need to make their own decisions.
- ❖ Put measures or “safeguards” in place if there is real concern someone may influence, take advantage, or abuse a person’s right to make decisions. Safeguards must be appropriate for the person’s situation, temporary and reviewed regularly by an independent body to see if they are still needed (Article 12).

Liberty and security:

- ❖ Protect the physical and mental well-being of persons with disabilities (Article 17). Make sure their freedom is not illegally or unfairly restricted (Article 14).
- ❖ Put legal measures in place to prevent cruel, inhuman or degrading treatment or punishment (Article 15) as well as exploitation, violence and abuse. If there is abuse, investigate it and prosecute if appropriate. Provide victims with supports they need to keep them safe and help recover from the abuse (Article 16).

Independent living and support:

- ❖ Persons with disabilities must be able to live independently. That means choosing where to live and who to live with, being included in the community, and having access to a range of in-home, residential and other community support services, if needed (Article 19).
- ❖ Make sure persons with disabilities can be mobile and get around in their community at the time they choose. Provide access to mobility aids, devices and services like wheelchairs, scooters or personal care workers they can afford, as well as mobility skills training (Article 20).

Access to information:

- ❖ Provide public information and services in the ways people with disabilities need including Braille, sign language and other kinds of communication. For example, make sure website information can be read using large print and speech technology. Provide sign language or captioning for official meetings. Urge private companies and the mass media to do the same (Article 21).

Privacy:

- ❖ Make sure persons with disabilities have the same right to privacy as anyone else. Protect information about their health, rehabilitation, family, home, as well as letters and emails or other communication (Article 22).

Home and family:

- ❖ Make sure persons with disabilities have equal opportunity to have children and to marry if they wish, to get information and services they need for family planning, and to enjoy equal rights and responsibilities as guardians, wards, trustees and to adopt children.
- ❖ Provide information and supports for families with disabilities (Article 23).

Education:

- ❖ Make sure students with disabilities have equal access to elementary and high school learning, work training, adult education and lifelong learning.
- ❖ Support their accommodation needs.
- ❖ When teaching, use materials, techniques and forms of communication that meet the needs of students with disabilities, including students who are blind, deaf, hard of hearing, or deaf-blind.
- ❖ Hire teachers with disabilities, including teachers who use sign language and Braille (Article 24).
- ❖ The goal of education is to enable students with disabilities to develop their personality, sense of dignity and self worth, their talents and creativity, so they can participate fully in society.

Health:

- ❖ Persons with disabilities must get the same level of health care as every one else.
- ❖ Make sure people receive the health services they need to deal with any disability, and that they do not face discrimination in health insurance (Article 25).

Services to help people recover:

- ❖ Make sure people with disabilities can lead an independent and as healthy a life as possible and will get the support they need in health, work, education and social services to make that happen (Article 26).

Work:

- ❖ Persons with disabilities have equal rights to work and make a living.
- ❖ Prohibit discrimination in employment, promote self-employment and starting your own business, hire persons with disabilities in the public sector, encourage the private sector to hire persons with disabilities, and make sure they are accommodated at work (Article 27).

Adequate standard of living:

- ❖ People with disabilities have the right to enough food, and clothing and appropriate housing for themselves and their families the same as everyone else.
- ❖ Take steps to improve their access to public housing, financial assistance for disability-related expenses, retirement pensions and other forms of social assistance (Article 28).

Taking part in political and public life:

- ❖ Make sure everyone can take an equal part in political and public life. This includes the right to vote by secret ballot, to run for office and hold office, accessible voting procedures, facilities and materials, and making it possible to use technology that can help (Article 29).

Taking part in cultural life, recreation, leisure and sport

- ❖ Provide television shows, movies, theatre and other arts and culture materials in accessible formats, by making theatres, museums, cinemas and libraries accessible, and by making sure persons with disabilities have the chance to develop and use their creativity to benefit themselves and enrich society.
- ❖ Make sure people with disabilities can take part in mainstream and disability-specific sports (Article 30).

Implementation and monitoring

- ❖ Have one or more areas of government dealing with making this agreement happen.
- ❖ Have a way to measure how well the agreement is working and include one or more bodies not run by government for this purpose, such as a human rights commission.
- ❖ Involve people with disabilities in looking at how well the agreement is working. (Article 33).

UN reporting

- ❖ Canada will report to a UN Committee on the Rights of Persons with Disabilities on progress made in putting the agreement in place (articles 34 to 39). (Canada has not signed the Optional Protocol that would allow people to ask the UN Committee for help with a complaint if they could not get it resolved in Canada).
- ❖ Governments, human rights agencies and other organizations across Canada should work together to get information for Canada's report. Human rights agencies and organizations representing persons with disabilities can also comment directly to the UN Committee.

For more information

This brochure was adapted from "The Convention in Brief" available on the United Nations Enable website. To see the full set of rights and obligations under the CRPD, as well as other resources and initiatives, visit: www.un.org/disabilities.

To find out what human rights commissions and tribunals across Canada are doing to promote and protect the rights of persons with disabilities, visit the website of the Canadian Association of Statutory Human Rights Agencies: www.cashra.ca.

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