

CASHRA STATEMENT

Human rights commissions call for nation-wide legislation and greater accountability to ensure rights of persons with disabilities are respected

May 30, 2016

The Canadian Association of Statutory Human Rights Agencies (CASHRA)¹ is calling on all levels of government to enact federal, provincial and territorial legislation to meet Canada's obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).²

CASHRA, the umbrella organization for Canada's federal, provincial and territorial human rights commissions, also urges Canada to sign and ratify the Optional Protocol to the CRPD,³ which would allow the United Nations to consider communications from Canadian individuals or groups alleging violations. A majority of countries that ratified the CRPD have also ratified the Optional Protocol.

CASHRA calls for laws that fully implement the UN CRPD and address all forms of discrimination and inequality faced by people with disabilities, including inadequate education, employment, income and housing,⁴ Laws and policies must also reflect the fact that women and girls with disabilities have unique needs, and are particularly vulnerable to violence.⁵

CASHRA welcomes the Canadian Government's recent commitment to develop a series of legislative initiatives to address discrimination against Canadians with disabilities in all aspects of their lives.⁶ The development of these legislative initiatives must involve people with disabilities and their representatives, and the process must be accessible. These legislative initiatives must place protection of human rights at its centre. Provincial and territorial governments across Canada should also commit to complementary legislative initiatives having regard for the successes and challenges with laws already in place in Ontario and Manitoba.

"Disability legislation cannot narrowly focus on accessibility issues. It must address the various needs, interests and capabilities of persons with disabilities," commented David Arnot, CASHRA President and Chief Commissioner of the Saskatchewan Human Rights Commission. "Substantive equality will only be achieved through broad and coordinated legislative frameworks, along with increased public recognition of the discrimination people with disabilities face everyday, in all areas of their lives."

CASHRA calls on the federal government to take immediate action and designate an independent mechanism to promote and monitor implementation of the CRPD and provide the necessary resources to undertake this important work. As Canada's National Human Rights Institution, it would be appropriate for the Canadian Human Rights Commission to lead this mechanism, in partnership with CASHRA members.

Persons with disabilities and their representative organizations are entitled to participate fully in the monitoring process under article 33.3 and also need resources to do so.

¹ <http://cashra.ca/default.html>

² For example: Subsection 2(1) of Article 9 on accessibility says that States shall take appropriate measures to, among other things, promulgate minimum standards and guidelines for the accessibility of facilities and services open or provided to the public. Article 4.5 says that the provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions. Online:

www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx

³ www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx

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⁴ www.chrc-ccdp.gc.ca/eng/content/report-equality-rights-people-disabilities

⁵ www.dawncanada.net/issues/issues/fact-sheets-2/violence/

⁶ See mandate letter to Federal Minister of Sport and Persons with disabilities, online: <http://pm.gc.ca/eng/minister-sport-and-persons-disabilities-mandate-letter> Also federal budget 2016, online: <http://www.budget.gc.ca/2016/docs/plan/toc-tdm-en.html>