



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Canada\*

#### I. Introduction

1. The Committee considered the initial report of Canada (CRPD/C/CAN/1) at its 318th and 319th meetings (see CRPD/C/SR.318 and 319), held on 3 and 4 April 2017. It adopted the present concluding observations at its 328th meeting, held on 10 April 2017.
2. The Committee welcomes the initial report of the State party, which was prepared in accordance with the Committee's reporting guidelines. It also appreciates the State party's written replies (CRPD/C/CAN/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/CAN/Q/1).
3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its high-level delegation, headed by the Senior Assistant Deputy Minister, Income Security and Social Development Branch, Employment and Social Development Canada, Kathryn McDade, which included delegates from various departments and agencies of the Government of Canada and from the governments of Quebec and Ontario.

#### II. Positive aspects

4. The Committee welcomes the State party's engagement in a process towards accession to the Optional Protocol to the Convention. The Committee also commends the State party for its constitutional and statutory frameworks, in particular the Canadian Human Rights Act, which recognizes a human rights-based definition of disability and prohibits discrimination based on multiple grounds and on their compounded effects, as well as the Canadian Charter of Rights and Freedoms, in which discrimination is prohibited on the grounds of "mental or physical disability".
5. The Committee welcomes the adoption and/or establishment of legislative and public policy measures at the federal, provincial and territorial levels aimed at implementing the Convention, including the Policy on Communications and Federal Identity adopted in 2016, which requires federal departments to release information in accessible formats; the endorsement of the Sendai Framework for Disaster Risk Reduction 2015-2030, in 2015; and provisions in the Criminal Code to ensure that victims and witnesses with disabilities can provide testimony during criminal proceedings.
6. The Committee commends the State party for its accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, in 2016.

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\* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1-4)

7. The Committee is concerned about the State party's reservation, which it continues to uphold, to article 12 of the Convention, preserving substitute decision-making practices. The reservation contradicts the object and purpose of the Convention as enshrined in article 1 and prevents the State party from fully implementing and addressing all human rights of persons with disabilities in compliance with the human rights model of disability.

**8. The Committee recommends that the State party withdraw its declaration and reservation to article 12 (4) of the Convention and carry out a process to bring into line with the Convention federal, provincial and territorial legislation that allows for the deprivation of legal capacity of persons with disabilities. The Committee encourages the State party, in doing so, to consider the criteria set out in the Committee's general comment No. 1 (2014) on equal recognition before the law.**

9. The Committee notes with concern:

(a) That the provisions of the Convention have yet to be appropriately incorporated into legislation and policies across sectors and levels of government;

(b) The uneven application of the Convention and the Committee's jurisprudence by the judiciary and law enforcement officials, including the police;

(c) The lack of legislation and public policies to protect the rights of persons with disabilities who identify as lesbian, gay, bisexual, transgender or intersex.

**10. The Committee recommends that the State party:**

(a) **Take leadership in convening provinces and territories in order to ensure a pan-Canadian approach to implementation and enact a comprehensive national action plan for implementing the Convention in collaboration with provincial and territorial governments and in consultation with persons with disabilities through their representative organizations. The State party should ensure that such an action plan includes benchmarks and a time frame for its implementation;**

(b) **Set up a mechanism aimed at ensuring that legislation at the provincial and territorial levels that is to be updated further includes specific measures to implement the obligations of the State party under the Convention;**

(c) **Strengthen the human, financial and technical resources of the Office for Disability Issues at the federal level and ensure appropriate formal and permanent mechanisms for coordination with provincial and territorial governments;**

(d) **Raise awareness among and develop capacity-building programmes for the judiciary and law enforcement officials about the Convention as a legally enforceable human rights instrument, the human rights model of disability and its principles, and the jurisprudence of the Committee, including its general comments and its Views on individual communications adopted, and inquiry procedures undertaken, under the Optional Protocol.**

11. The Committee takes note of the consultations undertaken with Canadians, including Canadians with disabilities and their organizations, to inform the development of planned federal accessibility, as well as the promotion of organizations of persons with disabilities and their advocacy work at the national and international levels. However, the Committee is concerned about the absence of formal, recorded consultations on comprehensive plans for the implementation of the Convention, and about the absence of information on mechanisms to foster the leadership and participation of organizations of persons with intellectual disabilities and children with disabilities in consultations.

**12. The Committee recommends that the State party:**

(a) **Establish formal and permanent mechanisms for consulting with organizations of persons with disabilities in an effective and result-oriented manner at**

all levels of administration relating to the comprehensive implementation of the Convention;

(b) Take measures, including specific budget allocations, to strengthen the advocacy roles of organizations of persons with disabilities, including organizations of women with disabilities, children with disabilities, persons with psychosocial and/or intellectual disabilities and persons with neurodegenerative conditions, including Alzheimer's, dementia and multiple sclerosis.

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

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

13. The Committee is concerned about:

(a) The persisting gaps in the exercise and enjoyment of rights by persons with disabilities, such as the rights to education, work and employment and an adequate standard of living, due to, among other things, a lack of affordable housing and access to water and sanitation;

(b) The intersecting nature of discrimination against women and girls with disabilities, indigenous persons with disabilities and migrant persons with disabilities, who face heightened risks of gender-based violence, poverty, marginalization and barriers in access to mental health-care services;

(c) The absence of measures to ensure that reasonable accommodation is provided in all areas of the Convention beyond work and employment.

14. **The Committee recommends that the State party:**

(a) **Adopt cross-sectoral strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex and indigenous background;**

(b) **Take into account article 5 of the Convention while implementing targets 10.2 and 10.3 of the Sustainable Development Goals;**

(c) **Set up criteria aimed at addressing multiple and intersecting forms of discrimination through legislation and public policies, including through affirmative action programmes for women and girls with disabilities, indigenous persons with disabilities and migrant persons with disabilities, and provide effective remedies in cases of such discrimination;**

(d) **Develop regulations and further guidelines for proactive implementation of the duty to accommodate, including provisions to increase awareness among public and private actors about the duties of and available tools for reasonable accommodation;**

(e) **Ensure that services for indigenous persons with disabilities in First Nation communities are equitable and appropriate, including health services aimed at preventing suicide among indigenous young persons with disabilities.**

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

15. The Committee is concerned that women with disabilities face intersectional discrimination, including in access to justice, which particularly affects indigenous women with disabilities. It is also concerned about the lack of information on legislation to promote the economic empowerment of women with disabilities through legislation and public policies on gender equality.

16. **The Committee, in line with its general comment No. 3 (2016) on women and girls with disabilities, recommends that the State party:**

(a) **Ensure that the federal strategy against gender-based violence includes lines of action and specific programmes and benchmarks to address all forms of violence against women and girls with disabilities;**

(b) **Remove barriers and develop inclusive practices in order to create financial and practical support and address prejudices and negative stereotypes;**

(c) **Ensure that indigenous women with disabilities have access to available education programmes, are aware of their rights under the Convention and have access to the support available to claim their rights;**

(d) **Bear in mind its obligations under article 6 of the Convention while implementing targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.**

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

17. The Committee commends the support programme adopted in Quebec aimed at providing independent living for young persons of up to 21 years of age who are not autonomous, i.e., unable to stay at home on their own, as well as the network for “integrating” children with high-level support requirements in childcare services. However, the Committee notes with concern that the Government of Canada has not collected data on children with disabilities since 2006. It also notes that there are now more indigenous children in the care of Canadian services than there ever were in residential schools. It is further concerned about the lack of criteria established for applying the principle of the best interests of the child in actions concerning children with disabilities.

18. **The Committee recommends that the State party:**

(a) **Collect disaggregated information on the situation of and discrimination faced by children with disabilities, particularly indigenous children with disabilities, so as to formulate targeted programmes to tackle the exclusion they face;**

(b) **Ensure earmarked budget allocations for children with disabilities in periodic expenditure programmes at all levels of administration and introduce monitoring indicators for such allocations;**

(c) **Provide indigenous children with access to schools so as to limit their overrepresentation in Canadian welfare services. This can be achieved through direct communication with indigenous communities, as such communication will lead to a more issue-specific resolution;**

(d) **Introduce guidelines among all levels of administration on how to implement the principle of the best interests of the child in the design, implementation and monitoring of legislation and policies concerning children with disabilities;**

(e) **Prioritize the human rights of children with disabilities in public policies, in particular the recognition of the identity and evolving capacities of deaf children, deaf-blind children and hard-of-hearing children and their different requirements, autistic children and children with psychosocial and/or intellectual disabilities.**

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

19. The Committee is concerned about the lack of information about indigenous persons with disabilities, given that they represent one of the most marginalized populations. It is also concerned about stereotypes and harmful messages in public campaigns about autistic persons. It is further concerned about the absence of information on awareness campaigns to promote the rights of persons with intellectual disabilities and to combat attitudinal barriers and prejudices against lesbian, gay, bisexual, transgender and intersex persons with disabilities.

20. **The Committee recommends that the State party:**

(a) **Ensure appropriate dissemination of the Convention and the Committee's general comments, concluding observations and recommendations in sign languages and in accessible formats, modes and means of communication, such as easy-read formats and Braille;**

(b) **Recognize and proclaim November each year as Indigenous Disability Awareness Month, which is already being done by British Columbia and Saskatchewan;**

(c) **Adopt a human rights model of disability that recognizes autistic persons and reinforce their human dignity and value in all public campaigns and programmes to support their inclusion in society;**

(d) **Adopt a strategy aimed at recognizing and fostering the participation of persons with intellectual disabilities in society, including measures to combat stigmatization against such persons and to promote their leadership, the work of their representative organizations and self-advocacy;**

(e) **Undertake, in collaboration with representative organizations of persons with disabilities, research aimed at enhancing understanding of diverse gender identities and monitoring attitudinal barriers faced by lesbian, gay, bisexual, transgender and intersex persons with disabilities;**

(f) **Set up strategies at the federal, provincial and territorial levels to increase awareness among society about the rights of persons with disabilities, through targeted capacity-building and public information programmes and human rights education.**

#### **Accessibility (art. 9)**

21. The Committee notes the process undertaken to consult with Canadians on the development of new federal legislation expected to address various areas of the Convention. However, it is concerned about barriers to accessibility, in particular persisting barriers to access to transport, in particular in rural areas and to aircraft, and the lack of accessibility of information and communication for persons with psychosocial and/or intellectual disabilities.

22. **The Committee, in line with its general comment No. 2 (2014) on accessibility, recommends that the State party:**

(a) **Review current accessibility legislation and plans at the federal, provincial and territorial levels to ensure that they address all features of accessibility, in particular the physical environment, transportation (including civil aviation) and information and communication, including information and communications technologies and systems, and that they comprise mechanisms to monitor and regularly evaluate compliance with accessibility standards;**

(b) **Ensure the availability of alternative modes of communication, in particular easy-read versions of public documents and fundamental legislation, such as the Canadian Charter of Rights and Freedoms;**

(c) **Adopt sectoral plans to enhance information and communication services in public transport for hard-of-hearing, deaf, blind and deaf-blind persons with disabilities;**

(d) **Set up a time frame and targets for implementing access to caption services in French and descriptive video content for websites and social media;**

(e) **Bear in mind its obligations under article 9 of the Convention while implementing Sustainable Development Goals 9 and 11 (targets 11.2 and 11.7).**

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

23. The Committee is concerned about the adoption of legislation that provides for medical assistance in dying, including on the grounds of disability. It is also concerned about the absence of regulations for monitoring medical assistance in dying, the absence of data to assess compliance with the procedural safeguards regarding such assistance, and the lack of sufficient support to facilitate civil society engagement with and monitoring of this practice.

24. **The Committee recommends that the State party:**

(a) **Ensure persons who seek an assisted death have access to alternative courses of action and to a dignified life made possible with appropriate palliative care, disability support, home care and other social measures that support human flourishing;**

(b) **Establish regulations pursuant to the law requiring collection and reporting of detailed information about each request and intervention for medical assistance in dying;**

(c) **Develop a national data standard and an effective and independent mechanism to ensure that compliance with the law and regulations is strictly enforced and that no person with disability is subjected to external pressure.**

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

25. The Committee takes note of several policy measures at the federal, provincial and territorial levels that provide for comprehensive plans on preparedness and disaster risk management and reduction and that are inclusive of disability requirements. However, the Committee notes with concern the absence of disaggregated information about the situation of asylum seekers and refugee persons with disabilities in the State party.

26. **The Committee recommends that the State party:**

(a) **Conduct research on the effective access of asylum seekers and refugee persons with disabilities to the protection of their rights under the Convention;**

(b) **Ensure the provision of accessible information, including easy-read versions of official documents, during asylum-seeking processes and with respect to social protection and rehabilitation programmes for asylum seekers and refugees with disabilities;**

(c) **Set up programmes to build capacity among international cooperation and assistance officials with regard to the rights of persons with disabilities;**

(d) **Consider endorsing the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.**

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

27. The Committee is concerned that since 2010, the number of cases of guardianship of persons with disabilities has increased in all provinces but one. In many provinces and territories a substitute decision maker is permitted to make health-care decisions for a person who is found to be “incapable” of making his or her own decision. The Committee is also concerned that a number of federal statutes reinforce exclusionary tests of legal capacity and do not provide recognition of supported decision-making.

28. **The Committee recommends that the State party, in consultation with organizations of persons with disabilities and other service providers, take leadership in collaborating with provinces and territories to create a consistent framework for recognizing legal capacity and to enable access to the support needed to exercise legal capacity. It also recommends that the State party take steps to remove exclusionary provisions from federal statutes and to introduce provisions for supported decision-making in the Bank Act, the Income Tax Act and other statutes as appropriate.**

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

29. The Committee observes that administration of justice and the establishment and maintenance of penitentiaries fall under the competency of federal, provincial and territorial levels of administration. It takes note of the legal obligation to provide sign language interpretation throughout judicial and/or administrative proceedings. However, the Committee is concerned about:

(a) The lack of accommodation procedures that persons with psychosocial and/or intellectual disabilities who face difficulties in understanding and filling out forms contend with when attempting to bring claims for the protection of their rights;

(b) The absence of information about procedural and age-appropriate accommodation available for women and children with disabilities, including indigenous women, at all levels of the justice system;

(c) The absence of funding at the federal, provincial and territorial levels to support persons with disabilities in filing cases of human rights violations.

30. **The Committee recommends that the State party:**

(a) **Provide guidance and training to the judiciary at all levels in order to implement the Canadian Victims Bill of Rights Act, in particular its provisions for measures to facilitate the testimony of persons with psychosocial and/or intellectual disabilities during judicial proceedings, paying particular attention to persons with disabilities who seek redress;**

(b) **Introduce additional criteria to the provision of accessibility in the justice sector, ensuring that the options available comprise Braille, sign language interpretation, alternative modes of communication and easy-read versions of documents, free of charge for all persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities;**

(c) **Set up progress indicators for and periodic assessments of the measures to provide age-appropriate and gender-sensitive accommodation for persons with disabilities at the federal, provincial and territorial levels, and ensure that lawyer associations, civil society organizations working on human rights and representative organizations of persons with disabilities are entitled to provide input on such accommodation;**

(d) **Introduce effective training of personnel in the justice, police and prison systems on the rights enshrined in the Convention.**

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

31. The Committee is concerned about:

(a) Involuntary detention of persons with psychosocial disabilities in psychiatric institutions on the basis of impairment, across various State party jurisdictions;

(b) Legislation at the federal, provincial and territorial levels relating to detention of accused persons with psychosocial and/or intellectual disabilities who may be found unfit to stand trial, in the context of criminal procedures;

(c) Information regarding inmates with psychosocial and/or intellectual disabilities being inappropriately identified as having “behavioural problems” instead of a disability, which limits the provision of the reasonable accommodation and appropriate health care available to them;

(d) The lack of reasonable accommodation for women with disabilities within the federal prison system, and the adverse effect of their administrative segregation within detention facilities;

(e) Information about indigenous persons with disabilities and migrants with disabilities, who, along with persons with intellectual and psychosocial impairments, are overrepresented in prisons in the State party.

32. **The Committee urges the State party to:**

(a) **Review federal, provincial and territorial policies and practices related to involuntary detention with the aim of bringing those policies and practices into compliance with article 14 of the Convention and the respective guidelines;**

(b) **Set up a minimum core obligation across the federal, provincial and territorial jurisdictions regarding the right to stand trial for persons with disabilities, with appropriate accommodation during criminal proceedings;**

(c) **Ensure access to health services, including psychosocial support, for inmates under the federal jurisdiction on an equal footing with others, on the basis of their free and informed consent;**

(d) **Adopt and implement guidelines to provide reasonable accommodation for all persons with disabilities who are detained in prison and/or detention centres, and ensure that women in such centres receive appropriate support and reasonable accommodation;**

(e) **Work in partnership with the Canadian Human Rights Commission and the provincial human rights commissions in order to assess, and set up measures to address, the situation of indigenous and migrant persons with disabilities in prison.**

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

33. The Committee is concerned about:

(a) Different forms of violence against women and girls with disabilities, in particular indigenous women and women with psychosocial and/or intellectual disabilities;

(b) Violence and abuse, including sexual violence, against children with disabilities, and the lack of mechanisms to access justice, remedies and redress;

(c) The lack of information about measures to prevent violence against persons with disabilities in family settings and against persons living in institutions.

34. **The Committee recommends that the State party:**

(a) **Ensure that the federal strategy against gender-based violence includes provisions for medical, legal and social work interventions to address gender-based violence against women with disabilities;**

(b) **Strengthen support and services for parents of children with disabilities in order to prevent abuse and violence;**

(c) **Set up a mechanism to monitor federal-, provincial- and territorial-level facilities and programmes designed to serve persons with disabilities, in accordance with article 16 (3) of the Convention.**

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

35. The Committee notes with concern that although forced or compulsory sterilization is illegal in Canada, people with disabilities, particularly people with intellectual and/or psychosocial disabilities, still experience involuntary sterilization through the manipulation of their consent.

36. **The Committee recommends that the State party work with provinces and territories to ensure that health-care and substitute decision-making practices prevent involuntary sterilization, including in situations where persons with disabilities are deemed to lack legal capacity to consent. The State party should ensure the development of human rights education and training programmes for health-care providers to prevent non-consensual sterilization and/or manipulated consent of people with disabilities.**

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

37. The Committee commends the steps taken by different provinces in the State party towards deinstitutionalization, and welcomes in particular the information that Ontario closed its last residential institution for persons with “developmental” disabilities in 2009. However, the Committee is concerned that persons with disabilities continue to be placed in institutions in many provinces, such as Alberta, British Columbia, Manitoba, Nova Scotia, Prince Edward Island and Quebec, and in the territories. It is also concerned about the lack of adequate services and support available to persons with disabilities within the over 600 First Nation communities in the State party.

**38. The Committee recommends that the State party:**

(a) **Adopt national guidelines on, and provide on a continuous basis advice to provincial and territorial jurisdictions towards, the recognition of the right to live independently and be included in the community as a subjective and enforceable right for persons with disabilities, reaffirming the principle of respect for the individual autonomy of persons with disabilities and their freedom to make choices about where and with whom to live;**

(b) **Adopt a human rights-based approach to disability in all housing plans and policies at all levels. To that end, the State party should increase the availability of affordable and accessible housing units for persons with psychosocial and intellectual disabilities, as well as support services;**

(c) **Ensure that provincial and territorial jurisdictions set up strategies with time frames to close institutions and replace them with a comprehensive system of support for independent living, including home support and personal assistance for persons with disabilities;**

(d) **Ensure that accessibility legislation, plans and programmes include the accessibility of services and facilities with the aim of facilitating the inclusion of persons with disabilities in the community and preventing their isolation and institutionalization;**

(e) **Ensure appropriate service provision within First Nation communities (on reserves) to individuals with intellectual and/or psychosocial disabilities.**

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

39. The Committee is concerned by:

(a) The lack of official recognition of sign languages and that the training programmes for sign language interpreters do not meet minimum requirements to provide a high quality of interpretation;

(b) The limited amount of information in easy-read or any other augmentative and alternative modes, means and formats of communication and communication technologies for persons with disabilities;

(c) The absence of information about compliance with standards of accessibility for websites in the public and private sectors.

**40. The Committee recommends that the State party:**

(a) **Recognize, in consultation with organizations of deaf persons, American Sign Language and Quebec Sign Language (Langue des signes Québécoise) as official languages and their use in schools, and establish jointly with organizations of deaf persons a mechanism to certify the quality of interpretation services and ensure that opportunities for continuous training are provided for sign language interpreters;**

(b) **Promote and facilitate the use of easy-read and other accessible formats, modes and means of communication and grant persons with disabilities access to information and communications technology, including through the provision of software and assistive devices to all persons with disabilities;**

(c) **Redouble its efforts to ensure the accessibility of government websites and ensure that private entities providing services through the Internet do so in formats accessible to all persons with disabilities;**

(d) **Translate the Convention on the Rights of Persons with Disabilities into sign languages.**

#### **Respect for private and family life (art. 23)**

41. The Committee is concerned that parents with disabilities do not receive adequate and appropriate services and support from provincial and territorial child welfare agencies, resulting in children being removed from the home. It is also concerned that parents of children with disabilities do not receive adequate support to maintain their children in their home, which at times forces them to place their child in foster care, group homes or institutions.

42. **The Committee recommends that the State party work with the provinces and territories to ensure that parents with disabilities have access to the support and services they require to fulfil effectively their role as parents and that disability is not used as a reason to place their children in care or remove their child from the home. The Committee further recommends that the State party consider the provision of timely support necessary to maintain the optimal family environment for children with disabilities.**

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

43. The Committee is concerned about:

(a) The persistence of segregated special education environments for students with disabilities who require a high-level of support or when it is considered that a student with disabilities may interfere in the educational process of his or her peers;

(b) The gap in access to education and educational achievements by persons with disabilities;

(c) The lower levels of educational achievement among women and girls with disabilities;

(d) Children in segregated schools not benefiting from after-school programmes, which reduce their ability to engage in leisure and physical activities that are essential for their health and development;

(e) Isolation of hard-of-hearing and deaf children in education due to the lack of peer groups.

44. **The Committee recommends that the State party:**

(a) **Adopt, implement and oversee policies on inclusive and quality education throughout its territory;**

(b) **Promote the enrolment in education of all persons with disabilities, especially women and children, members of indigenous communities and those living in remote and rural areas;**

(c) **Ensure that teachers are trained in inclusive education at all levels and in sign language and other accessible formats of information and communication;**

(d) **Adopt a strategy for the provision of reasonable accommodation in schools and other learning institutions, including through technology and classroom support, accessibility and learning materials;**

(e) **Be guided by article 24 of the Convention and by the Committee's general comment No. 4 (2016) on the right to inclusive education while implementing targets 4.5 and 4 (a) of the Sustainable Development Goals;**

(f) **Ensure sign language learning environments in bilingual schools to enable hard-of-hearing and deaf children who sign to be fully included in education.**

**Health (art. 25)**

45. The Committee is concerned about barriers faced by women with disabilities in accessing services for safe abortion, owing to a lack of access to information on and services related to sexual and reproductive health rights and the limited number of clinics that provide termination of pregnancy services. The Committee also notes with concern the stigma and attitudinal barriers faced by persons with disabilities in gaining access to medical tests and treatment for sexually transmitted diseases, owing to prejudices that consider persons with disabilities “asexual” and the refusal of health-care services. It is further concerned that persons with disabilities continue to face physical, financial and attitudinal barriers in accessing information and health-care services, including with regard to sexual and reproductive health and rights, and notably abortion, and that the cost of medication remains a significant obstacle.

46. **The Committee recommends that the State party:**

(a) **Adopt measures to ensure universal coverage of health services for all persons with disabilities, including indigenous persons with disabilities, and that services are accessible, affordable and culturally sensitive, and prevent the denial of health-care services, including abortion;**

(b) **Take measures to provide persons with disabilities with information in accessible formats about their sexual and reproductive health;**

(c) **Conduct training to ensure that health-care practitioners are aware of the rights of persons with disabilities under the Convention and have the tools to provide appropriate advice for persons with disabilities, including women with disabilities;**

(d) **Establish special measures to ensure that people with disabilities, including transgender and gender-diverse persons with disabilities, have equal access to health services, including surgical and medical abortion services, and gender-affirming comprehensive health care.**

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

47. The Committee is concerned at the high number of persons with disabilities who are unemployed and at the lack of programmes to retain the jobs of persons with disabilities in periods of economic crisis. It is further concerned about the absence of strategies to end models of sheltered workshops and ensure access to the open labour market for persons with disabilities, in particular women and young persons with disabilities. The Committee notes that there is a steady increase in both the number and proportion of complaints of discrimination in employment related to disability.

48. **The Committee recommends that the State party:**

(a) **Adopt a policy on the employment of persons with disabilities, including indigenous persons with disabilities, that guarantees access to employment, promotes work in open, inclusive and accessible markets and environments, equal opportunities and gender equality and provides for reasonable accommodation for persons with disabilities at work;**

(b) **Develop strategies aimed at providing decent job opportunities for women and young persons with disabilities, including the provision of reasonable accommodation, flexible time arrangements, appropriate training for work and measures to prevent harassment and other forms of discrimination at the workplace;**

(c) **Implement binding affirmative action measures, including the allocation of targeted funding to promote the employment of persons with disabilities in the public and private sectors;**

(d) **Bear in mind article 27 of the Convention in its efforts to achieve target 8.5 of the Sustainable Development Goals.**

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

49. The Committee is concerned at the fact that nearly 15 per cent of persons with disabilities live in poverty or extreme poverty and that many persons with disabilities, including persons with psychosocial and intellectual disabilities, face homelessness. The Committee is also concerned that financial support is insufficient to guarantee an adequate standard of living for persons with disabilities, in particular for indigenous persons with disabilities, and to cover additional disability-related costs.

**50. The Committee recommends that the State party:**

(a) **Take measures to guarantee an adequate standard of living for persons with disabilities and their families, especially those living in poverty, those who are unemployed or who do not have a fixed income, those in rural and remote areas, those belonging to indigenous communities, women and older persons. The State party should cover the added cost of living caused by disability by, inter alia, reviewing social security measures with a view to extending their coverage to all persons with disabilities;**

(b) **Ensure that the Canadian Poverty Reduction Strategy addresses multiple discrimination and poverty among women with disabilities, indigenous persons with disabilities and families with children with disabilities;**

(c) **Bear in mind article 28 of the Convention while implementing targets 1.3 and 1.4 of the Sustainable Development Goals.**

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

51. The Committee observes that the State party and different provinces have developed programmes and strategies to facilitate the right to vote of persons with disabilities. However, it notes that those measures do not specifically include persons with psychosocial and/or intellectual disabilities.

**52. The Committee recommends that the State party set up measures to facilitate and ensure access to the election process for persons with psychosocial and/or intellectual disabilities, including through easy-read information on electoral campaigns and other accessible multimedia material, including tutorials on how to vote, to support participation in political life by all persons with disabilities.**

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

53. The Committee is concerned that the State party does not have up-to-date quantitative and qualitative data on the situation of persons with disabilities and the enjoyment of their human rights.

**54. The Committee recommends that the State party systematically facilitate the collection, compilation and updating of data and statistics on persons with disabilities, disaggregated by age, sex, type of disability, barriers encountered, ethnicity and geographic location, including data on their type of housing or institution and on cases of discrimination or violence against them. The Committee recommends that the State party consult with organizations of persons with disabilities in this process.**

**International cooperation (art. 32)**

55. The Committee observes that the State party provides substantive international support to projects and programmes related to disability rights. However, it notes the absence of information about the effective involvement of organizations of persons with disabilities as partners on international cooperation projects.

56. **The Committee recommends that the State party:**

(a) **Adopt measures to ensure meaningful participation of persons with disabilities through their representative organizations in the design, implementation, monitoring and evaluation of programmes and projects developed in international cooperation efforts;**

(b) **Ensure the adoption of a disability-rights perspective in all efforts aimed at implementing the 2030 Sustainable Development Agenda and Sustainable Development Goals.**

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

57. The Committee is concerned that the State party has not designated an independent mechanism to monitor the implementation of the Convention as required under article 33 (2). It is further concerned about the absence of mechanisms to ensure the participation of persons with disabilities, through their representative organizations, in monitoring processes.

58. **The Committee recommends that the State party:**

(a) **Set up an independent monitoring mechanism that adheres to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It strongly encourages the State party to formally appoint the Canadian Human Rights Commission as the independent monitoring mechanism under article 33 of the Convention, bearing in mind the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex);**

(b) **Provide adequate funding for the functioning of an independent monitoring mechanism and the full involvement of organizations of persons with disabilities in its monitoring tasks under the Convention.**

#### **Cooperation and technical assistance**

59. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to the experts via the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

## **IV. Follow-up**

#### **Dissemination of information**

60. **The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraphs 8 (declaration and reservation) and 14 (c) (equality and non-discrimination).**

61. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

62. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

63. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including easy-read formats, and to make them available on the government website on human rights.

**Next periodic report**

64. The Committee requests the State party to submit its combined second and third reports by 11 April 2020 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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