



Convention on the Rights of Persons with Disabilities

Distr.: General
12 April 2017
**ADVANCE UNEDITED
VERSION**
Original: English

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, respectively, and adopted the following 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 Ms. Kathryn McDade, Senior Assistant Deputy Minister, Income Security and Social Development Branch, Employment and Social Development Canada, and 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 engagement in a process towards the 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* (CHRA) which recognises 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* prohibiting discrimination 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 level, 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*

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

(2015-2030) in 2015; and provisions in its 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.

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 upheld reservation 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. The reservation to article 12 prevents the State party to fully implement and address 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 federal, provincial and territorial legislation that allows for deprivation of legal capacity of persons with disabilities into line with the Convention. In doing so, the Committee encourages the State party to consider the criteria unfolding of 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 are yet to be appropriately incorporated in 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; and

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

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

(a) **Take leadership to convene provinces and territories to ensure a pan-Canadian approach to implementation and enact a comprehensive national action plan for implementing the Convention on the Rights of Persons with Disabilities, in collaboration with provincial and territorial governments, and in consultation with persons with disabilities through their representative organizations. Ensure that such action plan set up benchmarks and a time frame for its implementation;**

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

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

(d) **Raise awareness and develop capacity building programmes among the judiciary and law enforcement officials about the Convention as a legally enforceable human rights instrument, the human rights model of disability, its principles and the**

jurisprudence of the Committee, including its General comments and Views on individual communications and inquiry procedures 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 to deliver comprehensive plans for the implementation of the Convention as well as by the absence of information about mechanisms to foster 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 to consult 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; and**

(b) **Take measures, including specific budget allocations aimed at strengthening advocacy roles by organizations of persons with disabilities, including organizations of women with disabilities, children with disabilities, persons with psychosocial and/or intellectual disabilities, and persons with neurogenerative conditions, including Alzheimer, 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 education, work and employment and an adequate standard of living, including due to 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; and

(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-sector strategies with a view to combat inequality and discrimination faced by persons with disabilities, including through the adoption of affirmative action, clear targets and collection of data on progress achieved disaggregated by age, sex, 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 efficient 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 as well as available tools for reasonable accommodation; and

(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 of legislation to promote 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 to create financial and practical support as well as addressing prejudices and negative stereotypes;

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

(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 children until 21 years of age who are not autonomous to stay alone at home on their own as well as the network for children with high level requirement of support for care in their child care 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 to apply 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 about the situation and discrimination faced by children with disabilities, particularly indigenous children with disabilities, so as to formulate targeted programs to tackle exclusion faced by them;

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

(c) Provide access to schools for indigenous children so as to limit their overrepresentation in Canadian welfare services. This can be achieved through direct

communication with Indigenous communities as this 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 interest of the child in the design, implementation, monitoring of legislation and policies concerning children with disabilities; and

(e) Prioritize the human rights of children with disabilities in public policies, in particular the recognition of their identity and evolving capacities, of deaf children, deaf-blind children, 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 although 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 by the absence of information about awareness campaigns to promote the rights of persons with intellectual disabilities and combat attitudinal barriers and prejudices against LGBTI persons with disabilities.

20. The Committee recommends that the State party:

(a) Ensure appropriate dissemination of the Convention and the Committee's General Comment and its Concluding Observations and recommendations in sign languages and in accessible formats, modes and means of communication, such as Easy Read and braille;

(b) Recognise and proclaim November each year as Indigenous Disability Awareness Month following the recognition already done by British Columbia and Saskatchewan;

(c) Adopt a human rights model of disability that recognises 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 recognising and foster participation of persons with intellectual disabilities in society, including through combating stigmatization against them and promoting their leadership and the work of their representative organizations as well as self-advocacy;

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

(f) Set up strategies at the federal, provincial and territorial levels to increase awareness about the rights of persons with disabilities among society, through targeted capacity building and public information programmes as well as 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 transport in particular in rural areas and to aircrafts, and the lack of accessibility to information and communication to 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 physical environment, transportation (including civil aviation), information and communication, including information and communication technologies and systems and 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 sectorial plans to enhance communication and information services in public transport for hard of hearing, deaf, blind and deaf-blind persons with disabilities;**

(d) **Set up a time frame and targets to implement access to caption services of French language and descriptive video content of websites and social media; and**

(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 (MAiD), including on the grounds of disability. It is also concerned about the absence of regulations for monitoring medical assistance in dying and the absence of data to assess compliance with the procedural safeguards regarding such assistance and support 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 MAiD; and**

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

Situations of risks 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 which 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 about 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 as well as with respect to social protection and rehabilitation programmes for asylum-seekers and refugees with disabilities;**

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

(d) **Consider signing the Charter on Inclusion of Persons with Disabilities into Humanitarian Action of the Sendai Framework for Disaster Risk Reduction.**

Equal recognition before the law (art. 12)

27. The Committee is concerned that since 2010, guardianship cases of persons with disabilities have 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 further 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 to collaborate with provinces and territories in creating a consistent framework for recognizing legal capacity and enabling access to supports needed to exercise legal capacity. It is further recommended that Canada take steps to remove exclusionary provisions in 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. The Committee takes note of the legal obligation to provide sign language interpretation through judicial and/or administrative proceedings. However, the Committee is concerned about:

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

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

(c) The absence of funding at the federal, provincial and territorial level to support persons with disabilities to file 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 Victims Bill of Rights Act (VBR), in particular its measures to facilitate testimony of persons with psychosocial and/or intellectual disabilities during judicial proceedings paying particular attention to persons with disabilities who seek redress;**

(b) **Introduce criteria to the provision of accessibility in the justice sector, ensuring that it comprises Braille, sign language interpretation, alternative modes of communication, and Easy Read free of charge for all persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities;**

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

(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 different 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 about inmates with psychosocial and or intellectual disabilities inappropriately identified as having “behavioural problems” instead of a disability, which limits the provision of reasonable accommodation and appropriate health care available for them;

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

(e) Information about indigenous persons with disabilities and migrants with disabilities who are over-represented in prisons in the State party together with persons with intellectual and psychosocial impairments.

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

(a) **Review federal, provincial and territorial policies and practices related to involuntary detention with the aim to bringing these 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, the right to stand trial for persons with disabilities, with appropriate accommodation during criminal proceedings;**

(c) **Ensure access to health services, including psychosocial support to 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 centers, and ensure that women receive appropriate support and reasonable accommodation; and**

(e) **Work in partnership with the Canadian Human Rights Commission and the Provincial Commissions in order to assess the situation 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 against children with disabilities, including sexual violence and lack of mechanisms to access to justice, remedies and redress; and
- (c) 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 the provision of medical, legal and social work intervention to address gender-based violence against women with disabilities;**
- (b) Strengthen support and services to parents of children with disabilities in order to prevent abuse and violence; and**
- (c) Set up a mechanism to monitor federal, provincial and territorial level facilities and programmes designed to serve persons with disabilities, in line 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 de-institutionalization, in particular welcomes 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 across provinces, such as Alberta, British Columbia, Manitoba, Nova Scotia, Prince Edward Island, Quebec, as well as territorial reserves. It is also concerned about the lack of adequate services and supports available to persons with disabilities within Canada’s 619 First Nation communities.

38. The Committee recommends that the State party:

- (a) Adopt national guidelines and provide permanent advice to provincial and territorial jurisdictions towards the recognition of the right to living independently and being included in the community as a subjective and enforceable right for persons with disabilities, reaffirming the principle of respect for individual autonomy of persons with disabilities and their freedom to make choices about where and with whom to live;**
- (b) Adopt a disability human rights approach 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 frame to close institutions and replace them with a comprehensive system of support for independent living, including in 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 to facilitate inclusion in the community and prevent isolation and institutionalization of persons with disabilities; and

(e) Ensure appropriate service provision within First Nations communities (on reserve) 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 quality of interpretation;

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

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

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

(a) Recognise, in consultation with organizations of deaf persons, American Sign Language and the Quebecoise Sign Language (“Langue des signes Québécoise”) as official languages and its 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, other accessible formats, modes and means of communication and grant persons with disabilities access to information and communications technology, including the provision of software and assistive devices to all persons with disabilities;

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

(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 supports from provincial and territorial child welfare agencies, resulting in children being removed from the home. It is further concerned, that parents of children with disabilities do not receive all the adequate supports 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 supports and services they require to effectively fulfil their role as parents and to ensure 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 the:

- (a) Persistence of segregated special education environments for students with disabilities who require high level of support or when it is considered that a student with disabilities may interfere in the educational process of their peers;
- (b) Gap in access to education and educational achievements for persons with disabilities;
- (c) Lower levels of educational achievement for women and girls with disabilities;
- (d) Children in segregated schools not benefitting from after school programs, which reduce their ability to engage in leisure and physical activities that are essential for their health and development; and
- (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, 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 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 4.8 of the Sustainable Development Goals; and**
- (f) **Ensure Sign language learning environments in bilingual schools to enable signing hard of hearing and Deaf children to be fully included in education.**

Health (art. 25)

45. The Committee is concerned about barriers faced by women with disabilities to access services for safe abortion due to lack of access to information and services on sexual and reproductive health rights and the limited number of clinics that provide termination of pregnancy. The Committee also notes with concern stigma and attitudinal barriers faced by persons with disabilities in access to medical tests and treatments for sexually transmitted diseases due to prejudices that consider persons with disabilities 'asexual' and the refusal of

health care services and practices. It is further concerned, that persons with disabilities continue to face physical, financial and attitudinal barriers in accessing information and healthcare services, including sexual and reproductive health and rights and notably abortion and that cost of medications 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 information in accessible formats for persons with disabilities about their sexual and reproductive health;

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

(d) Establish special measures to ensure people with disabilities, including trans- and gender-diverse persons with disabilities, have equal access to health services including both 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 unemployed among the persons with disabilities as well as the lack of programmes to retain 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 of 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 allocation of targeted funding to promote the employment of persons with disabilities, in both the public and private sectors; and

(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 particularly 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, 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 the aim to extending their coverage to all persons with disabilities;**

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

(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, the Committee notes that those measures do not include specifically persons with psychosocial and/or intellectual disabilities.

52. **The Committee recommends that the State party set up measures to facilitate and ensure access to election process for persons with psychosocial and/or intellectual disabilities, including Easy Read information on electoral campaigns and other accessible multimedia, 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 cases of discrimination or violence against them. The Committee also 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; and**

(b) **Ensure the adoption of a disability-rights perspective into 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 by article 33(2). It is further concerned about the absence of mechanisms to ensure 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, see Annex); and**

(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.

Follow-up and dissemination

60. The Committee requests that the State party provide, within 12 months and in accordance with article 35 (2) of the Convention, information on the measures taken to implement the Committee's recommendations as set forth in paragraphs 8 and 14 (c).

61. The Committee also requests that the State party 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 the 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.

Next report

63. The Committee requests that the State party submit its combined second and third reports by no later than 11 April 2020, and include therein information on the implementation of 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/combined reports of a State party. The replies of a State party to such a list of issues constitute its next report.
