

**Report of the Canadian Civil Society Delegation to Geneva  
Convention on the Rights of Persons with Disabilities  
August 30 to September 2, 2016**

**Members of the delegation (in alphabetical order)**

Audrey-Anne Trudel – Confédération des organismes de personnes handicapées du Québec (COPHAN)  
Bonnie Brayton – Disabled Women’s Network  
Frank Folino – Canadian Association of the Deaf  
Jewelless Smith – Council of Canadians with Disabilities  
Steve Estey - Council of Canadians with Disabilities (CCD)

**Background**

On March 11, 2010, Canada ratified the Convention on the Rights of Persons with Disabilities, which entered into force in Canada on April 12, 2010. Pursuant to Article 35 of the Convention, each state party must submit a comprehensive initial report on the measures that it has taken to fulfill its obligations under the present convention, and on the progress it has made in this regard. This report is then reviewed by the Committee on the Rights of Persons with Disabilities (hereafter the Committee), as per Article 36 of the Convention.

Civil society organizations, particularly disabled persons organizations (DPO) are invited to take part in the evaluation process and can submit shadow reports. The Committee first reviews these various reports, and then develops a List of Issues requiring clarification and additional information by the state. The state and civil society then have several months to provide the requested information. During the following session, the Committee then adopts, on the basis of all collected information, Concluding Observations in the form of recommendations and acknowledgements.

Canada published its first report in 2014. At CCD’s prompting, several DPOs assembled in Ottawa on December 3, 2015 to share their concerns and to determine a mode of operation for the drafting of a shadow report. It was determined during this consultation that funding for this work should be sought, and if successful then CCD would act as the secretariat while the report was being drafted. After a lengthy wait funding was secured and the work of the secretariat was launched at the beginning of June 2016. The initial report was thereafter provided to the Committee in July 2016. The Committee held its 16<sup>th</sup> session from August 15 to September 2, 2016 in Geneva, during which it was to adopt the List of Issues. It was decided that DPO representatives would serve as delegates of Canadian civil society and would meet with the members of the Committee to share our principal concerns. The delegates were selected on the basis of their contributions to the drafting of the shadow report and their representativeness within the associative sector of persons with disabilities in Canada.

**Minutes**

**Meeting with Victoria Lee (International Disability Alliance)**

*August 30, 2016*

Upon our arrival in Geneva, we met with Victoria Lee of the IDA, whose principal mandate was to accompany DPOs during their representations to the United Nations. The IDA, in consultation with the Canadian Secretariat, facilitated all Canadian delegation meetings in Geneva. During this meeting, we reviewed all upcoming meetings and events in an attempt to develop strategies to maximize the impact of our interventions.

**Meeting with Mr. Facundo Cavez Penilla, (Human Rights and Disability Advisor - Office of the High Commissioner for Human Rights, United Nations) (OHCHR)**

*August 31, 2016*

Mr. Chavez's role is to make political representations at the international level to ensure that the rights of persons with disabilities are respected. He assists the various international organizations to ensure consistency between undertaken actions and adopted texts (definitions, approaches, etc.).

Each year, the OHCHR is mandated to produce an independent report on a CRPD article for Human Rights Council. He can also produce additional reports upon request. Mr. Chavez wishes that these reports served as tools for DPOs during their national-level representations. Two reports are presently being developed:

- An annual report on article 5 of the CRPD (non-discrimination). This report will propose a model of reasonable accommodation intended to be applied to all states, as well as best practices for managing funds earmarked for reasonable accommodation.
- A report commissioned by the Human Rights Committee on psychosocial disabilities issues.

The most recent report focused on Article 24, Education and it is expected that the next annual report will focus on article 13, Access to Justice.

This meeting also provided us with the opportunity to discuss with Mr. Chavez the current development of Canadian federal legislation on the rights of persons with disabilities. He confirmed to us that the Concluding Observations of the Committee should serve as the basis of our advocacy. He noted that, in his experience, the omnibus bill is the statute model that appears to be the most effective, as it amends several laws at the same time, and ensures a coherent approach. Peru was cited as an example of this, and consequently we were advised to contact Mr. Alberto Vasquez, who was significantly involved in the development of the Peruvian legislation. As for federal, provincial and territorial issues, he referred us the situation in Belgium, which is similar.

Finally, Mr. Chavez indicated that one of the mandates of the High Commission is to provide technical assistance to states that request it when developing measures to ensure the respect of their international obligations in regards to human rights.

**Meeting with Mr. Carlos de la Torre Martinez (Officer for Canada - Office of the High Commissioner for Human Rights, United Nations)**

*August 31, 2016*

Mr. de la Torre's role is to monitor and report on the human rights situation in fourteen states, including Canada and the United States. Given there isn't currently a High Commission in these two countries, his work on Canada takes place primarily in Geneva, which limits his field experience. He advises the High Commissioner, the various treaty bodies, and the Special Rapporteurs on human rights and highlights the key issues that must be addressed.

Mr. de la Torre informed us that he was scheduled to provide a summary of the situation regarding the rights of persons with disabilities in Canada to the Committee on September 2, as part of the adoption of the list of questions. He also noted that he would do the same in the spring as part of the implementation of the Concluding Observations.

### **Meeting with Mr. Stefan Trömel (Senior Disability Specialist – International Labour Organization)**

*August 31, 2016*

Stefan is former Executive Director of the IDA, and during the CRPD negotiations he was the CEO of the European Disability Forum, in these capacities he has been in a leadership position in the Global work on Disability rights for close to twenty years. Recently he left the IDA to take on a new role at the ILO.

The ILO is a tripartite agency that brings together worker federations (25%), unions (25%), and labour ministers of the member states (50%). There is little room for involvement by civil society organizations. It is a standardization body, i.e., the ILO adopts conventions that become standards for the member states. With the assistance of ILO employees, a committee of experts supervises the implementation of the approximate 200 conventions that have been adopted since its creation. Convention #159 deals specifically with persons with disabilities, but it is somewhat out-dated, given that all of its content can be found in the CRPD. As such, the role of the ILO is to assist its members in the implementation of permanent CRPD articles. The ILO, via its various actions and advocacy, attempts to apply an inclusive approach to disability while working specifically on handicap issues when necessary.

The ILO is heading an initiative to include persons with disabilities in the private labour market: the Global Business and Disability Network. Work resulting from this initiative has demonstrated that one of the most effective ways of ensuring the hiring of persons with disabilities by the private sector is to have that message emanate from another business that successfully implemented it. It was mentioned however that, in some countries, it is difficult for employers agreeable to hiring persons with disabilities to find individuals with the requisite training and skillset, as no matching service exists.

The ILO is also working on social assistance issues, and is attempting to offer certain avenues to its member states that would enable them to implement social assistance programs geared to the realities of persons with disabilities.

**Informal meetings with Mrs. Theresia Degener (Member assigned as rapporteur to Canada) and with Mr. Jonas Ruskus and Mr. Damlami Umaru Basharu (Committee members)**

*September 1, 2016*

These informal meetings constituted an opportunity for us to transmit some of our priorities directly to the Committee members. It also allowed the members to ask us questions that in turn helped us better prepare for the private information session with the Committee scheduled for the following day. We sensed that the Committee members shared our desire to have the CRPD implemented, and that they truly sought to determine our priorities so that the List of Issues and Concluding Observations that they would implement would prove beneficial to us.

**Lorraine Anderson, First Secretary, Legal Affairs, Permanent Mission of Canada to the United Nations  
September 1, 2016**

She will be responsible for Canada's Appearance at the next session of the Committee. She was very new to Geneva and just getting a feel for her work, but seemed interested in the CRPD committee and she seemed keen to be helpful. We discussed our priority issues with her, including concerns about Canada's reservations and the opportunity to reposition Canada internationally as a leader in human rights for Persons with Disabilities.

**Celebration of the 10th Anniversary of the CRPD's Implementation**

*September 1, 2016*

Our presence in Geneva coincided with the 10th anniversary of the completion of the drafting of the CRPD. We had the opportunity to take part in the reception organized to celebrate this accomplishment. It was a great opportunity to network with members of the Committee and with other major players that defend the rights of people with disabilities.

**Private Information Session with the Committee**

*September 2, 2016*

This one-hour discussion with the present Committee members was the key moment of our stay in Geneva. The session began with a ten-minute presentation by our delegation. This address served to introduce and highlight our priorities:

- The Ratification of the Optional Protocol
- The complete inclusion of the CRPD in the Canadian legislation
- The withdrawal of reservations and declarations of interpretation related to articles 12 and 33 (2) of the CRPD
- Improved collaboration between the Government and the DPO
- Independent federal and provincial monitoring mechanisms - i.e.: Canadian Human Rights Commission
- Fighting poverty and social exclusion of people with disabilities

- Formal recognition of the sign languages (ASL and LSQ) as official languages
- The eradication of the systemic discrimination faced by people with disabilities

The rest of the session was devoted to a question and answer period between our delegation and the Committee members.

### **Follow-up**

The list of questions adopted by the Committee is now available on the High Commission's website<sup>1</sup>. Following its publication, Canadian DPOs will need to work quickly to develop a full shadow report to enable us, as quickly as possible, to influence the Concluding Observations that will be adopted at the next Committee session. Victoria Lee at the IDA suggests that we have a draft of this report prepared by mid December.

The 17<sup>th</sup> session of the Committee will take place in Geneva from March 20 to April 17, 2017. It would be pertinent to once again have a delegation in place at that session, and consideration should be given to having continuity in the composition of this delegation, given the importance of the personal affinities between the Committee and delegation members in this process.

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