



September 30, 2011

Ms. LaReine Passey-Belley  
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Heritage Canada  
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Dear Ms. Passey-Belley,

Disabled Women's Network of Canada-Réseau - D'action des femmes handicapées du Canada (DAWN-RAFH Canada) has as its mission is to end the poverty, isolation, discrimination and violence experienced by women with disabilities. We are working to ensure we get the services and supports we need, have access to opportunities that non-disabled people take for granted, and have freedom of choice in all aspects of our lives<sup>1</sup>. DAWN Canada is the only national organization for women and girls with disabilities in Canada, playing a unique role in both the disability and the women's communities.

Indeed, in his Foreward to *The Millennium Development Goals Report 2011*, Bam Ki Moon States:

".....the report shows that we still have a long way to go in empowering women and girls, promoting sustainable development, and protecting the most vulnerable from the devastating effects of multiple crises, be they conflicts, natural disasters or volatility in prices for food and energy.....Progress tends to bypass those who are lowest on the economic ladder or are otherwise disadvantaged because of their sex, age, disability or ethnicity."<sup>2</sup>

The world Health Report on Disability states "Women with disabilities experience the combined disadvantages associated with gender as well as disability...."<sup>3</sup>

In Canada's Annual Report on Disability Issues, the observation is made that:

"Vulnerable groups, including people with disabilities, tend to have a lower standard of living than others due to factors such as low income, lower educational attainment, lack of affordable housing, and unmet needs for aids and devices."<sup>4</sup>

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<sup>1</sup> Mission statement, Disabled Women's Network of Canada-Réseau d'action des femmes handicapées du Canada (DAWN-RAFH Canada)

<sup>2</sup> The Millennium Development Goals Report 2011, United Nations, New York, 2011, p3

<sup>3</sup> The World Report on Disability, World Health Organization, 2011, WHO Press, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland, p32



On the surface, Canada's resources and programs appear as a rich matrix of resources that are readily available. Specific measures adopted by federal, provincial and territorial governments to try and address the problems faced by women with disabilities are well-intentioned. Most of these will be outlined by the Government of Canada and the provinces during their reporting<sup>5</sup>.

We cannot overemphasize our gratitude for every resource Canada will outline, and for those our organization receives. DAWN-RAFH Canada is heartened by the Convention, as it is the vital first step to helping elevate the life of the women with disabilities. In saying this, make no mistake that we have a huge chasm to ford when it comes to the ideals of the Convention and the realities of life of women with disabilities in Canada.

Limited consultation during the review, the inability to see one another face to face while we have it, and the inability to drill into the issues in a manner that would allow us to forge partnerships to truly address inequities is one of the most poignant barriers to ongoing sustained improvements in Canadian Human Rights for people with disabilities. We need to communicate simply, directly and face our challenges together. We, as a nation, have much work to do. All of us seem to be doing this work from the side of our desks because there is little, if any support for it. As well, we do not have sufficient funding in our organizations to consult with them as robustly as we like.

Very often, when I speak with provincial and local government officials and staff about the Convention, they have not heard of it. There is as much of a challenge to bring this Convention to their attention as there is to members of our community. We must change this, and we need your help to do it.

The reality about many of the programs can be very different from what reports and brochures promise. Often programs are spread among numerous federal, provincial and territorial departments. The obstacles of competing regulations and the weight of having to contact an average of a dozen government departments and not for profit agencies while we are most at risk is daunting.

Sadly, space limitations and the crushing discrimination women with disabilities face will only allow us to focus on the urgent priorities identified by our women with disabilities across Canada. As a result, our discussion will outline the specific areas where we see slippage of rights, ongoing discrimination, and service gaps.

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<sup>4</sup> Federal Disability Report, The Government of Canada's Annual Report on Disability Issues, 2010 Publications Services, Human Resources and Skills Development Canada, 140 Promenade du Portage, Phase IV, 12th Floor, Gatineau, Quebec, K1A 0J9 Cat. No.: HS61-1/2010E-PDF, ISBN: 978-1-100-16832-6, p 13

<sup>5</sup> Federal Disability Report, The Government of Canada's Annual Report on Disability Issues, 2010 Publications Services, Human Resources and Skills Development Canada, 140 Promenade du Portage, Phase IV, 12th Floor, Gatineau, Quebec, K1A 0J9 Cat. No.: HS61-1/2010E-PDF, ISBN: 978-1-100-16832-6



## General Overview

### Articles 1-4 General Provisions

DAWN-RAFH Canada views of disability resonate with those of the Convention. Since women self-identify as a woman with a disability, like the Convention, there is also no specific definition of disability. Women who live with mental, neurologic, sensory, intellectual or medical impairments that interact with attitudinal and environmental barriers hinder full participation in society on an equal basis with others.<sup>6</sup>

Like the Convention, DAWN-RAFH Canada also considers the effects of multiple barriers that may intersect and aggravate the discrimination she could face: gender, sexuality, indigenous status, race, ethnic origin, socioeconomic status, religion, language age, birth, property, political or other opinion, etc. We refer to this process of reflection as viewing a woman's situation through the "intersectional lens".<sup>7,8,9</sup>

### Articles 5-7 and 12: Equality, non-discrimination and equal recognition before the law

Under Article 6 of the Convention, Women and Girls with disabilities are the only group in the Convention on the Rights of Persons with Disabilities who have specific articles to address the severity of the profound discrimination against us<sup>10</sup>.

Indeed, along with the Convention on the Elimination of All Forms of Discrimination Against Women<sup>11</sup>, the Millennium Development Goals<sup>12</sup>, Beijing 15<sup>13</sup>, the Declaration on the Rights of Indigenous Peoples<sup>14</sup>, Out of the Shadows: Sexual

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<sup>6</sup> United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, Preamble (e), Article 1 (paragraph 2)

<sup>7</sup> United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, New York, Preamble (d), (p), (q)

<sup>8</sup> Everyone Belongs, A toolkit for applying intersectionality, By Joanna Simpson, CRIAW/ICREF, June 2009

<sup>9</sup> DAWN-RAFH Canada Brief on the Study on Economic Security and Women with Disabilities for the Standing Committee on the Status of Women, Disabled Women's Network of Canada, 200 Theme 6, p 6, 2007

<sup>10</sup> United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, New York, Preamble, (d), (p), (q) P2; Article 3 (g) Article 6; Article 16, (5); Article 28 (2)(b) ; Article 16 (5); Article 28 (2) (b)

<sup>11</sup> Convention on the Elimination of All Forms of Discrimination Against Women, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>12</sup> Millennium Development Goals, Values and Principles: I (6), p2; III (11), p4; III (20), P5; V (25), P7, 18 Sept 2000

<sup>13</sup> United Nations Commission on the Status of Women Report on the fifty-fourth session (13 March and 14 October 2009 and 1-12 March 2010); 10 (a), p27; p33; p80; p83



<sup>14</sup> United Nations Declaration on the Rights of Indigenous Peoples 13 Sept 2007: Article 21, P9; Article 22, P9



Violence against Children with Disabilities,<sup>15</sup> special mention is made time and time again on the profound discrimination faced by women and girls with disabilities.

Article 6 of the Convention clearly outlines the intersecting impact of discrimination on the basis of disability and gender for women and girls, as do several other references in the Convention.<sup>16</sup>

The Ministry of the Status of Women has been seriously eroded in recent years. There is no provincial ministry for Women's affairs in the Province of Alberta.

Women with disabilities face extreme discrimination in all areas of life; however, those with the most impact identified by women with disabilities are in the areas of violence against women with disabilities, housing, poverty, employment, legal assistance and medical care. Women are often blamed for their situations in stereotypical, stigmatizing and judgmental ways.

DAWN-RAFH Canada has also been approached by men as well who are looking to the Women's Sector for leadership and partnership in the area of gender and disability issues. There is not sufficient funding to support consultation and research to see how this might be best accomplished and we are also unable to fund the work to support women our primary mandate. There are three fact sheets attached to this letter addressing the most urgent needs of women with disabilities in Canada: Protection from Violence<sup>17</sup>, Housing<sup>18</sup> and Poverty.<sup>19</sup> Readers are referred there for a more thorough discussion of discrimination against women with disabilities as well as to the individual headings within the Draft Outline provided for this consultation.

Canada made a reservation on Article 12, that of supportive and substitute decision makers. Some provinces have a requirement to determine and follow the wishes of a person with a disability<sup>20</sup>. However it is felt that elimination of substitute decision makers in favor of supportive decision makers would better protect and enhance the rights of people with disabilities.<sup>21</sup>

DAWN-RAFH Canada also believes that the use of personal advisors as needed for supported decision making without the activation of a personal directive should be considered an important funded disability accommodation.

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<sup>15</sup> Out from the Shadows: Sexual Violence Against Children with Disabilities, Published by Save the Children UK, 1 St John's lane, London EC1M 4AR, UK, +44 (0)20 7012 6400, [www.savethechildren.org.uk](http://www.savethechildren.org.uk) 2011, © the save the children Fund 2011, p3

<sup>16</sup> United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, New York, Preamble, (d), (q), Article 3(g), Article 6, Article 16 (5), Article 28 (2) (b),

<sup>17</sup> Women with Disabilities and Violence, Factsheet, DAWN-RAFH Canada, 2010 <sup>18</sup>

Women with Disabilities and Poverty, Factsheet, DAWN-RAFH Canada, 2010 <sup>19</sup> Women with Disabilities and Housing, Factsheet, DAWN-RAFH Canada, 2010

<sup>20</sup> Personal Directives Information Package, Turning Point Law, P 3 of 5, paragraph 4 [www.turningpointlaw.ca/documents/PDInfo.pdf](http://www.turningpointlaw.ca/documents/PDInfo.pdf)



<sup>21</sup> National Stakeholder Consultations Report 25-26 June 2009, Plenary discussion: Equal Recognition Before the Law, Decision Making and Legal Capacity, Anna MacQuarrie, Director of Government Relations and Strategic Initiatives, Canadian Association for Community Living, [www.hrsdc.gc.ca/eng/disability\\_issues/reports/national\\_consult/page06.shtml](http://www.hrsdc.gc.ca/eng/disability_issues/reports/national_consult/page06.shtml)



## **Articles 31 and 32 Other Obligations Statistics, Data Collection International Cooperation**

Lack of proper Gender based analysis in most areas of policy design and service delivery must be addressed.<sup>22</sup>

While privacy protection is paramount, generally the legislation that provides safeguards for our privacy is sufficient and we have not had any complaints to our organization about involvement in research or about informed consent to it.

Financing of ongoing projects would be more beneficial rather than having numerous projects that bring hope for a short time then are gone just as quickly. Accessibility of data is made difficult if it is not affordable. There is concern that over-reliance on evidence based research may dull innovation.

Sometimes research budgets do not allow for sufficient budget for the proper disability accommodation. People with disabilities involved in research sometimes express that the involvement does not bring change in the circumstances, and this discourages them.

One of the writers has had some years of experience with international projects. They are profoundly valuable, and it would be wonderful if there could be more involvement of Canadian people with disabilities overseas. In addition, International projects should also be required to have a component of resource creation equivalent to that which is going to be provided internationally.

## **Article 33: Domestic Implementation and Monitoring**

One of the most serious areas of slippage in the area of UNCRPD is very evident with a discussion of Article 33, which pertains to civil society and aboriginal organization consultation with respect to Canada's initial report. In fact this is the number one recommendation with respect to recommendations made to Canada in its universal periodic review.<sup>23</sup> Around the time of ratification, and early in the process there were civil society briefings and consultations. However, now that we are in 2011, there is little activity, no new research, nor were there any national level consultations specifically devoted to UNCRPD.

The President was asked to attend a civil society meeting in Edmonton in 17 May 2011 and this involved a three hour drive. Though expenses were not provided, 3 groups out of 35 civil society organizations did come together to participate in them. There were more federal and provincial government officials than participants. Some officials came from as far away as Newfoundland and Labrador.

One national organization (Canadian International Human Rights Network) holds teleconference/in person meeting but is unable to accommodate translation for English and French speakers and is unable to accommodate deaf people. Council of Canadians with disabilities also is holding a consultation this week, but again is being hampered by a lack of funding to assist in wider participation. Similarly, Council of Canadians has one staff person assigned to promotion of the UNCRPD, but no resources to help people with travel, printing or other costs that are associated with teaching people with

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<sup>22</sup> Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle, #1, #11, #46, #50, #51 & #52

<sup>23</sup> Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle,



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disabilities to assert their rights. Disabled Women's Network of Canada had one training in the area of CEDAW and CRPD, but again lack funds needed to help the women drill down into their locales to help with raising the awareness or assisting the women.

The Government of Canada indicated they could only rotate consultations with one region at a time. This is not truly reflective of national monitoring. Both the government departments and the national organizations are not being adequately funded to properly do the very important work of safeguarding the rights of the citizens of this country. We do not have sufficient funds either to fully engage our organization in a formal review process, or educate people with disabilities and support their learning about the Convention, let alone help them navigate the maze required to access disability supports and benefits.

The disability community felt there was not enough consultation nor time to prepare as the notice was very short. Holding a provincial consultation in one city without funds to support travel and disability accommodation violates the spirit of several Convention Articles, notably: UNCRPD Article 33(3)<sup>24,25</sup>

Canada did make a reservation on article 33(2) where, Canada interprets Article 33 (2) as accommodating the situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones.<sup>26</sup> It is the opinion of the writers that at minimum, an independent consultant should be provided for monitoring, especially to improve the process of consultation of civil society and to truly evaluate the effectiveness of the existing structure Canada plans as a monitoring mechanism. This opinion is given extra validity by the 2009 UPR recommendations<sup>27</sup>

The independent body, any government body and - above all- civil society must be properly funded to do the work. Currently, the President is unable to sign the payroll for three organization's executive directors because our federal and provincial funding bodies have been late and/or insufficient for the new quarter. This is unacceptable in a government that prides itself on fiscal responsibility and has refused to allow most organizations federally and provincially to hold a prudent reserve of at least one year to insulate itself against economic or cash flow fluctuations. Most of the cash flow fluctuations involve bureaucratic delays in the preparation, negotiation and signing of contracts, a process that must be streamlined. This practice discriminates directly against people who work in Civil Society sector.

It will only be possible to properly monitor the rights of Canadian women with disabilities if all articles pertaining to the funding and support of the organizations are enhanced. Canada, as one of the State's Parties who committed to signing the Convention, is responsible to carry out this support under several articles in the Convention.<sup>28</sup> Gender-based and participatory research models are important components of such research.

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<sup>24</sup> Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle

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<sup>25</sup> United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, New York, Article 33 (3)

<sup>26</sup> United Nations E-NABLE, under declarations and reservations <http://www.un.org/disabilities/default.asp?id=475>

<sup>27</sup> Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle,

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<sup>28</sup>United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, New York, Preamble, (d), (p), (q) P2; Article 3 (g) Article 6; Article 16, (5); Article 28 (2)(b) ; Article 16 (5); Article 28 (2) (b)



We noted in the UPR consultation regarding measurement tools a lack of representation for mental health.

Valuable Statistics Canada and Census information must include proper demographic questions to elicit data about disability, gender, transgender and sexual orientation and ethnicity. The long form census, Hals and Pals surveys were instrumental in helping us to identify prevalence and needs of people within the disability community. These have been discontinued and there is not any news about what will replace them.

### **Articles 9 & 20 Accessibility and Mobility**

Access to transportation is essential from local to global – mobility rights are essential for maintaining employment, fleeing abuse and maintaining one's personal business and carrying out activities of daily living and increasing social supports, and mobility rights are compromised for women with disabilities and their children.

Women with disabilities who are dependent on others for transportation are also at risk for being abused, being in unsafe situations and sometimes unable to flee if they need to because of abuse or disaster.

Transportation has made great advances in the "One person, One fare" program, which has greatly enhanced the quality of life for people with disabilities. One cannot use reward points to travel in the one person one fare process, which is discriminatory. One Person One Fare only applies to Air Canada and West Jet but not to other domestic flights such as those to the North on smaller carriers. "One person, One fare" also does not apply to international flights. All airlines lack properly accessible washrooms in the aircraft. Sometimes seat arms do not rise for ease of transfer. There is a prototype program being established for the use of special lifts and equipment to ease transfer of the disabled person in and out of aircraft.

Though a landmark case was decided in favor of disabled Canadians in the matter of Via Rail, there continue to be issues with a lack of accessibility in rail cars and on the actual platforms.

### **Article 13 Access to Justice Procedures and Training**

"Considering all violent crimes, including those committed by spouses, Canadian study shows 51% of women with activity limitations had been victims of more than one violent crime during the 12 preceding months compared to 36% of women without limitation."<sup>29</sup>

By contrast the following barriers are repeatedly encountered during the reporting and criminal justice process. Attached are two excerpts, one from Out From the Shadows Paper on the Sexual Violence Against Children with Disabilities and the other from Torture of Canadian Women by Non-State Actors in The Private Sphere: A Shadow Report, which if

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<sup>29</sup> Perreault, S. (2009), *Criminal Victimization and Health: A Profile of Victimization Among Persons with Activity Limitations or Other Health Problems*. Ottawa, Ontario: Canadian Centre for Justice Statistics, p.10



implemented could alleviate much of the suffering women and children with disabilities face as the result of being victims of violent crime at rates shockingly higher than the general population.<sup>30,31,32</sup>

Both documents outline the barriers to reporting, prosecution and assistance to victims. Training and support must be provided in the entire disclosure, prosecution and victim assistance process to ensure the accommodation, protection and fair treatment of people with disabilities in the judicial process.

### **Articles 10-11 & 14-17 Protection of the Person**

In addition to the forms of physical, sexual, emotional, financial, ritualized abuses women and girls with disabilities encounter, additional forms of disability related abuse are encountered. Women with disabilities may also be denied transportation or other basic care such as food or fluids, bathing, toileting, etc. or be subjected to rough handling as a means of control/punishment.<sup>33,34</sup>

Women are treated very poorly when they are victims of crime. Recently a young Aboriginal woman who was seeking police help while being chased by people from a gang ended up being allegedly assaulted by the very police who were supposed to protect her<sup>35</sup>. Women who are victims of sexual assault also have their rights to safety and privacy routinely violated in the name of legal defense of the perpetrators<sup>36</sup>

Conversely, equal recognition before the law also has negative impacts for incarcerated women. Many incarcerated women have mental health or brain injuries that are not being given proper care while incarcerated. Kimberly Rogers died while on house arrest during for welfare fraud<sup>37</sup>. Ashley Smith died while incarcerated for throwing crabapples and as her behavior escalated during her incarceration, she died of her self-inflicted injuries.<sup>38</sup>

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<sup>30</sup> Out from the Shadows: Sexual Violence Against, Children with Disabilities, Published by Save the Children UK, 1 St John's lane, London EC1M 4AR, UK, +44 (0)20 7012 6400, [www.savethechildren.org.uk](http://www.savethechildren.org.uk) 2011, © the save the children Fund 2011, Executive Summary

<sup>31</sup> Torture of Canadian Women by Non-State Actors, Sarson, J and MacDonald, L, March 2008

<sup>32</sup> Women with Disabilities and Violence, Factsheet, DAWN-RAFH Canada, 2010

<sup>33</sup> Young et al., op.cit; Nixon, J. (2009) "Domestic violence and women with disabilities: locating the issue on the periphery of social movements", Disability & Society, 24 (1), 77 – 89.

<sup>34</sup> Brownridge, D.A. (2006) "Partner violence against women with disabilities: prevalence, risk, and explanations", Violence Against Women, 12 (9), p.819.

<sup>35</sup> RCMP Assault BC Native Teen CTVNews.ca, Wednesday Sep. 28, 2011 7:57 AM PT  
<http://warriorpublications.wordpress.com/2011/09/28/rcmp-assault-bc-native-teen/#more-299>

<sup>36</sup> The Canadian Resource Centre for Victims of Crime/Centre canadien de ressources pour les victimes de crimes Victim Blaming  
[http://www.crcvc.ca/docs/victim\\_blaming.pdf](http://www.crcvc.ca/docs/victim_blaming.pdf)

<sup>37</sup> Inquest into welfare mother's death begins by Darren Yourk, Globe and Mail, Oct. 15, 2002  
[http://www.vcn.bc.ca/august10/politics/1019\\_kimrogers.html](http://www.vcn.bc.ca/august10/politics/1019_kimrogers.html)



<sup>38</sup> Troubled N.B. teen shown in dramatic prison video, Ashley Smith strangled herself in prison under watch of guards, Friday, January 8, 2010 4:02 AM ET CBC News, <http://www.cbc.ca/news/canada/story/2010/01/07/ashley-smith-fifth-estate.html>



Lack of publicly funded legal assistance, support and representation for disabled women to access their rights keeps women with disabilities in poverty and from supports and services they need to survive. It also keeps them in abusive situations and from legal protection from abuse<sup>39</sup>.

There are over 500 missing Aboriginal women whose deaths have not been accounted for<sup>40,41</sup>. Aboriginal women experience discrimination against in terms of their marital and treaty rights.<sup>42</sup>

Sadly, a woman from Alberta has come to our attention that had a mental health police relevance that was released to her employer, causing her to lose her job. The woman had committed no crime nor had she been actually certified under the Mental Health Act. The policy for police release of information in criminal record checks does not indicate the need to release mental health relevance, though it is routinely done in the event of vulnerable persons checks<sup>43,44</sup>. An Ontario paper on the issue of police release of information is disconcerting, indicating some police departments have "agreements" to release certain forms of information.<sup>45</sup> The Mental Health Commission of Canada was successful in convincing Saskatchewan to cease this practice, but only in the province of Saskatchewan.<sup>46</sup>

The denial of basic choice in service providers/workers and/or method of care is one of the most common forms of human rights abuses we observe in Canada. If a relationship with an official or caregiver is not a good fit or is abusive, the woman with a disability is often forced to continue the relationship especially when supervisors refuse to intervene and place the onus on the disabled woman to "work it out".

There is a lack of service and support in the child protection services in Canada when children are apprehended. Transparency is non-existent; citizens or groups who may wish to address the court in the matter of a child are not

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<sup>39</sup> Making the Law Work for Everyone, Copyright © 2008 by the Commission on Legal Empowerment of the Poor and United Nations Development Programme 1 UN Plaza, New York, New York, 10017 p 12

<sup>40</sup> Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle, #46-52

<sup>41</sup> Moon setting on Sisters in Spirit? National News, 04 November, 2010, Jorge Barrera <http://aptn.ca/pages/news/2010/11/04/moon-setting-on-sisters-in-spirit>

<sup>42</sup> Communication Submitted For Consideration Under The First Optional Protocol To The International Covenant On Civil And Political Rights [http://www.fafia-afai.org/files/MCIVORPETITIONSIGNEDGENEVAforSenateprep\\_2.pdf](http://www.fafia-afai.org/files/MCIVORPETITIONSIGNEDGENEVAforSenateprep_2.pdf)

<sup>43</sup> Canadian Police Information Center, Criminal Records Fact Sheet, 11 June 2011 <http://www.cpic-cipc.ca/English/crfactsheet.cfm>

<sup>44</sup> Cotton, Dorothy, 29 April 2010, Mental Health Act Apprehensions and Police Record Checks: Just say no!! <http://pmhlsolutions.wordpress.com/2010/04/29/mental-health-act-apprehensions-and-police-record-checks-just-say-no>

<sup>45</sup> See Lisa Heslop, Eldon Amoroso, Sherry Joyes "Police Records Check and Vulnerable Position Screening" in the Psychiatric Patient Advocate Office 25<sup>th</sup> Anniversary Report (2008) at p. 247 <http://www.ppao.gov.on.ca/pdfs/pub-ann-25.pdf>



<sup>46</sup> Mental Health Apprehensions and Police Record Checks, 19 September 2011, Press Release, Mental Health Commission of Canada  
[http://www.mentalhealthcommission.ca/SiteCollectionDocuments/MH\\_Law/MHandPoliceRecordChecks\\_ENG.pdf](http://www.mentalhealthcommission.ca/SiteCollectionDocuments/MH_Law/MHandPoliceRecordChecks_ENG.pdf)

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allowed. While we understand the need to protect children, there needs to be a way for citizens and communities to address the court for the justice to hear all matters, even if only in writing to the presiding judge. There is not sufficient aftercare for children and women with disabilities who lose their children permanently.

### **Articles 18, 21 & 22 Fundamental Freedoms & Respect for Privacy**

Application process for benefits is found to be extremely intrusive for most people making application.<sup>47</sup> With the exception of mental health relevance being released during police checks, there are less issues with privacy legislation around inappropriate disclosure of information than around the inability to obtain personal information or records. In medical situations, formal and informal supports sometimes encounter barriers in trying to communicate with health professionals about their loved ones because of privacy legislation<sup>48,49</sup>. Often they wish to give information as opposed to eliciting it and still encounter barriers. Access to information is costly and there are not sufficient funds to cover the amounts needed should people require these records.

Interprovincial mobility is restricted due to the inability to apply in advance before moving from one province to another for benefits in advance, and the fact that the equipment one may need to survive is also property of the province a person lives in and therefore may have to be returned.<sup>50</sup>

Immigration is routinely refused for disabled people both coming to Canada and leaving it.<sup>51</sup>

International travel is also fraught with barriers when people with disabilities are trying to cross borders.<sup>52</sup>

There is notable, disconcerting reprisal against rights holders who speak publicly in the defense of the public good both on an international<sup>53</sup>, and national<sup>54</sup> provincial scale<sup>55,56</sup>. Such retaliation again contravenes both the letter and the spirit of human rights legislation.

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<sup>47</sup> Women and Poverty - Third Edition, This fact sheet by Marika Morris and updated by Tahira Gonsalves. [http://criaw-icref.ca/WomenAndPoverty#\\_ednref46](http://criaw-icref.ca/WomenAndPoverty#_ednref46)

<sup>48</sup> Family Involvement Law, Brochure, NAMI Minnesota 800 Transfer Road, Suite 7A, Saint Paul, MN 55114 [www.namimn.org](http://www.namimn.org)

<sup>49</sup> The information needs of informal caregivers involved in providing support to a critically ill loved one: A synthesis report prepared for Health Canada, Janet Dunbrack, March 2005 <http://www.hc-sc.gc.ca/hcs-sss/pubs/home-domicile/2005-info-caregiver-aidant/index-eng.php>

<sup>50</sup> Home Care in Canada 1999: An Overview, Health Canada, section 6.4 [http://www.hc-sc.gc.ca/hcs-sss/pubs/home-domicile/1999-home-domicile/index-eng.php#a6\\_4](http://www.hc-sc.gc.ca/hcs-sss/pubs/home-domicile/1999-home-domicile/index-eng.php#a6_4) Date Modified 03 November 2010

<sup>51</sup> Hanes, Roy, MSW, PhD, None is Still Too Many: An Historical Exploration of Canadian Immigration Legislation As It Pertains to People with Disabilities. Associate Professor of Social Work Carleton University, 23 June 2011, p 33-34

<sup>52</sup> Canadians with mental illnesses denied U.S. entry Data entered into national police database accessible to American authorities By Sarah Bridge, CBC News Posted: Sep 9, 2011 5:10 AM ET <http://www.cbc.ca/news/canada/story/2011/09/08/f-border-mental-health-privacy.html>

<sup>53</sup> The Scotsman, Congo: Reprisals for speaking out on rape Published Date: 07 July 2011 By CARLEY PETESCH <http://news.scotsman.com/democraticrepublicofcongo/Congo-Reprisals-for-speaking-out.6797190.jp>



Sadly, some of the retaliations also centered on the allegations surrounding the mental health of the individuals and appeared to be used as a means to discredit them<sup>57</sup>. Again this sort of action is against the letter and spirit of both human rights legislation and the Convention on the rights of persons with disabilities.

### **Articles 19, 23, 26, 29, & 30 Social inclusion & Independent Living**

Housing in all forms—from emergency shelter to transitional shelter to accessible and affordable housing is a terrible problem for women across Canada who often become homeless or institutionalized<sup>58</sup>. In addition, though lack of space is the most common reason for denial of access to shelter, mentally ill, addicted and severely disabled women with complex or high needs are the largest groups of women to be turned away from shelter<sup>59</sup>. Brain injured women are also identified in another study as having high rates of homelessness<sup>60</sup>.

Lack of access/ability to accommodate disabled women in women's shelters in spite of the fact women with disabilities face significantly greater rates of abuse perpetrated against them as reported in the DisAbled Women's Network of Canada—Réseau d'action des femmes handicapées du Canada report entitled Bridging the Gaps.<sup>61</sup>

Some prevention programs are required as a high number of disabled women are in a situation of core housing need.<sup>62</sup>

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<sup>54</sup> Matt Guerney, We survived the war but our veterans are suffering, Mercedes Stephenson, 04 July 2011, National Post, <http://afghanistan.nationalpost.com/matt-gurney-we-survived-the-afghan-war-but-our-veterans-are-suffering>

<sup>55</sup> MLA Raj Sherman's mental state questioned by Tories, FRANK LANDRY, LEGISLATURE BUREAU, FIRST POSTED: THURSDAY, NOVEMBER 25, 2010 07:23 PM MST | UPDATED: THURSDAY, NOVEMBER 25, 2010 07:39 PM MST <http://www.edmontonsun.com/news/alberta/2010/11/25/16320846.html>

<sup>56</sup> Doctor confronts mental health stigma, EDMONTON - Raj Sherman stood on the side of a highway, staring at the approaching headlights, then deliberately stepped in front of an oncoming car., BY THE EDMONTON JOURNAL AUGUST 30, 2008

<sup>57</sup> Alta. MLA kicked from caucus over ER remarks Last Updated: Monday, November 22, 2010 | 9:57 PM MT [CBC News;](http://www.cbc.ca/news/canada/edmonton/story/2010/11/22/edmonton-sherman-suspended.html) <http://www.cbc.ca/news/canada/edmonton/story/2010/11/22/edmonton-sherman-suspended.html>

<sup>58</sup> Bridging the Gaps: Violence, Poverty & Women's Shelters An update on non/resources for Women with Disabilities; Prepared by Jewelles Smith, MA, BA; Funding Provided by Status of Women Canada Community Fund August 2009

<sup>59</sup> Ibid, P30,31&33

<sup>60</sup> S.W. Hwang, A. Colantonio, S. Chiu, G. Tolomiczenko, A. Kiss, L. Cowan, D.A. Redelmeier, & W. Levinson, 2.6 Traumatic Brain Injury in the Homeless Population: A Toronto Study, Finding Home [www.homelesshub.ca/FindingHome](http://www.homelesshub.ca/FindingHome)© Cities Centre, University of Toronto, 2009 ISBN 978-0-7727-1475-6, p9



<sup>61</sup> Bridging the Gaps: Violence, Poverty & Women's Shelters An update on non/resources for Women with Disabilities; Prepared by Jewelles Smith, MA, BA; Funding Provided by Status of Women Canada Community Fund August 2009 p 16, 17, 18 & 31-33&

<sup>62</sup> Molly McCracken, Prairie Women's Health Centre of Excellence Gail Watson, Women Need Safe, Stable, Affordable Housing: A study of social housing, private rental housing and co-op housing in Winnipeg Women's Health Clinic February 2004 p3-5



Access to medical care and care from related allied health providers through accessible offices and equipment for people with disabilities and properly trained staff to assist them; the ability for all women with disabilities to receive services even when they have complex needs or face multiple barriers<sup>63,64</sup>

Women calling into DAWN-RAFH Canada have expressed a lack of services and supports for disabled parents, special support for children whose parents are disabled, or for disabled children whose needs are met by parents. These include assistive products, parent aides, accessible play areas, accessible daycares and barrier free opportunities for parents to take part in children's school activities and meetings with the staff.

One other DAWN woman asked specifically for us to state her concern that in many situations where disabled access is provided, facilities are not set up to accommodate a disabled person to sit with their family/friends to share the event. For example, the disabled person may be seated in a different section from their party and while they can attend the event they are not allowed to share the experience with significant others; sometimes this can impede emotional and even physical safety of a person when separated from caregivers.

In the last election, we personally observed there was a real effort on the part of the Federal Government to make the voting process accessible at the polling stations. There were pamphlets and the workers drew attention of the people to the available assistance which was clearly posted.

There is lack of accessible opportunities for parents with disabilities to take part in the lives of their children and families. In both program delivery and with respect to physical barriers described in the paragraph above, the bond between the disabled person and their family can be eroded by the systems that say they support family unity but in practice do not consider promotion of family unity in the planning of their spaces so nobody is left behind.

Disabled people are also more at risk during wars and natural disasters. They are often not accounted for in disaster planning. Wars and natural disasters also create disabilities.

Women are very concerned about the intent of language in Article 23 of the Convention as they are worried the intent of it could be open to misinterpretation. "Respect for home and family" has been used against women over the course of history to avoid State's Parties' responsibility to intervene in case of spousal or child abuse.

Women are also concerned that women with disabilities could be denied equal access to reproductive options and technologies, especially since the Government's move to deny this right to women in the context of international development.

### **Articles 8, 24, 25, 27 & 28: Socioeconomic Participation**

For a more thorough discussion of the issues related to employment, please refer to the DAWN-RAFH Canada Fact Sheet on Poverty<sup>65</sup>

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<sup>63</sup> Financing Health Care for Women with Disabilities Janice Blanchard, Susan Hosek Prepared for the

FISA Foundation Published 2003 by RAND, 1700 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138, 1200 South Hayes Street, Arlington, VA 22202-5050; 201 North Craig Street, Suite 202, Pittsburgh, PA 15213-1516 RAND URL: <http://www.rand.org>

<sup>64</sup> Barrier Free Health and Medical Services in Alberta: Understanding the needs of Albertans with Disabilities 2011, Alberta Committee on Citizens with Disabilities p336-338.



Employment and the provision of all related disability supports: personnel, equipment and technologic is essential.

Education through accessible offices and classrooms for people with disabilities along with properly trained staff to assist them to learn and train as well as the provision of all related both personnel and technologic disability supports. Whether the issues relate to grade school children, young women, women in post-secondary education or mature students, are problems expressed to our head office nationally with every level of education for the provision of these supports.

Aboriginal reserves often lack the most basic of these human rights, especially access to health care, safety and clean drinking water<sup>66</sup>.

Women with disabilities live with socioeconomic conditions for people on assistance are well below the poverty level and we do call on Governments to raise the levels of assistance to those that will allow for the achievement of at least the pre-tax LICO level applicable for their circumstance to that of the poverty level. Social assistance programs across Canada must have regular increases that respond to the cost of living. People on income support should have access to maximum support from all levels of government without deduction. For example, if someone is on CPPD, they should be able to receive their provincial social allowance without deduction until they reach the poverty line. If people are able to work, they should also be able to work without deduction until they achieve the poverty line. The amount of annual income before deduction should be the same across all levels support across Canada.

The programs to assist people with disability related expenses are in development, but they have a very long way to go and are also fraught with complex rules and access to information about them. In addition there are firms that are exploiting the disabled with promises to help them access the benefits but retaining a large portion of them.

Again DAWN-RAFH Canada is very grateful for the opportunity to have been included and consulted with respect to the UN Convention. We urge the Government of Canada to ratify the Optional Protocol. Our goal would be to ensure that every recommendation contained in the last review on Human Rights be accepted and addressed so women with

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<sup>65</sup> Women with Disabilities and Poverty, Factsheet, DAWN-RAFH Canada, 2010

<sup>66</sup> Aboriginal Children in Poverty in Urban Communities: Social exclusion and the growing racialization of poverty in Canada Notes for Presentation to Subcommittee on Children and Youth at Risk of the



disabilities and people all over the world will have only positive feedback with respect to our nation's Human Rights Policy. We urge the Government of Canada to lead the way in all areas of Human Rights to ensure everyone is included and to restore our influence and greatness as a nation in this arena.

Respectfully,

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**TORTURE OF CANADIAN WOMEN BY NON-STATE ACTORS IN THE PRIVATE SPHERE: A SHADOW REPORT** ,  
March, 2008, by Jeanne Sarson, MEd, BScN, RN & Linda MacDonald, MEd, BN, RN © 2008

### **RECOMMENDATION 1: Naming**

Recommend the Canadian government via the Department of Justice Canada directly name and acknowledge that all forms of torture perpetrated by non-state actors in the private sphere is an emerging form of violence and human rights violation that is inflicted against some Canadian women.

### **RECOMMENDATION 2: Legal interventions**

Recommend that the Department of Justice Canada amend the *Criminal Code of Canada* to include the separate offence of non-state actor torture committed in the private sphere.

Recommend that federal, provincial, and territorial governments initiate education of law enforcement officers, legal practitioners, and adjudicators in the investigation of and in the provision of safety and access to justice for women victimized by actors of non-state torture committed in the private sphere.

### **RECOMMENDATION 3: Statistical Interventions**

Recommend Statistics Canada keep statistics on all forms of non-state actor torture in the private sphere.

Recommend that statistics on all forms of non-state actor torture be included in Statistics Canada yearly publications of statistical documents such as the *Family Violence in Canada: A Statistical Profile*.

### **RECOMMENDATION 4 – Specialized Support and Treatment Interventions**

Recommend that federal, provincial and territorial governments collaboratively develop specialized woman oriented services and treatment interventions to meet the needs of women who have endured non-state actor torture. It would be important to access the on-going knowledge and advances gained in the field of helping persons who have suffered state actor torture.

Recommend including a specialized woman oriented approach designed to assist women who have endured reproductive torture and losses.

### **RECOMMENDATION 4 – Specialized Support and Treatment Interventions**

Recommend that federal, provincial and territorial governments collaboratively develop specialized woman oriented services and treatment interventions to meet the needs of women who have endured non-state actor torture. It would be important to access the on-going knowledge and advances gained in the field of helping persons who have suffered state actor torture.

Recommend including a specialized woman oriented approach designed to assist women who have endured reproductive torture and losses.

### **RECOMMENDATION 5 – Educative Intervention**

Recommend that federal, provincial, and territorial governments initiate education about non-state actor torture at all levels of civil society, including NGOs and governments, and specifically pinpointing, for example, persons who work in judicial, legal, and police services, health and community services, child protection services, education departments, and universities.



## **RECOMMENDATION 6 – Research Intervention**

Recommend federal, provincial, and territorial government levels collaboratively undertake a woman oriented research approach specifically directed towards the population of women who have endured and survived forms of torture inflicted by non-state actors in the private sphere.



## **Out From the Shadows: Sexual Violence Against Children with Disabilities**

### **Executive Summary**

Children with disabilities from around the world are suffering from sexual violence, including rape, sexual assault, sexual exploitation, and verbal sexual abuse. This affects both boys and girls. It is a gross violation of their rights.

Children with disabilities are especially vulnerable as a result of entrenched social and structural discrimination against them. Many live in relative isolation and are invisible to society, often kept indoors and out of sight; they have less interaction with peers or adults in whom they could confide; and stigma surrounding disability can result in their needs and rights being dismissed by communities, authorities and families. This is compounded by the acute lack of access experienced by many children with disabilities to education, child protection and medical, psycho-social, legal and other services, including reporting mechanisms that rarely accommodate their individual needs. This results in these children being uninformed about their rights, finding themselves in environments where they are vulnerable to sexual violence and, if they are violated, with little opportunity to receive medical, legal or psycho-social support. All this leaves children with disabilities in an extremely weak position in society. Some children suffering sexual violence are not aware that what is happening to them is wrong. Those who do, have little possibility of reporting or receiving support.

The perpetrators of sexual violence enjoy almost total impunity. There is little chance that they will be observed, nor is the survivor likely to tell anyone what is happening to them. In many cases, perpetrators are part of the family or community upon which the child is dependent for his or her well-being and survival and, therefore, hold great power over the child. Very few cases that are officially reported to the authorities ever reach a court hearing or result in a harsh sentence. This is largely due to the chronic inaccessibility and structural discrimination that children with disabilities come up against within national legislation and legal systems. As a consequence, survivors and their families are deterred from speaking out about the abuse against them, which in turn perpetuates their vulnerability.

Shrouded in taboos, and far from a political priority, this issue has, until now, been largely ignored. Very little research has been conducted on it and children with disabilities are often invisible in systemic and national data collection. However, persistent anecdotal evidence and continuous feedback from field teams led Handicap International and Save the Children to conduct a joint project on this issue, of which this research study is part.

This report is based on evidence generated from a global literature review and first-hand research in four African countries: Burundi, Madagascar, Mozambique and Tanzania (Zanzibar). This was a qualitative study conducted in 2010 by local researchers interviewing 89 adults with disabilities who had been abused as children, as well as 152 carers and professionals associated with their protection, including carers, lawyers, judges, police, social workers, teachers and members of disabled peoples' organizations.

Save the Children and Handicap International have created a set of recommendations (summarized below), which are available in full at the end of this report. These were developed in consultation with children, young people and professionals working executive summary on this issue around the world. We hope they will be taken forward by governments, donors and civil society organizations, communities, and children and young people.

1. Tackle the social and structural discrimination that prevents children and young people accessing services by, for example, guaranteeing equal access to education, reporting mechanisms, and other opportunities that decrease the isolation of children and young people with disabilities.
2. Invest in high-quality, free services that prevent and respond to sexual violence against children and young people with disabilities and prioritize the best interests of the individual child at all times.
3. Support children and young people with disabilities to play an active part in society and in the services that affect them.



4. Make children and young people with disabilities more visible both in society and in development programming by, for example, conducting more research on issues that affect them and including impairment-specific dis-aggregated information in data collection.

5. Ensure that national laws and policies prevent and respond to sexual violence against children and young people with disabilities, in line with international and regional human rights instruments by, for example, making explicit and specific mention of their particular rights and needs in national child protection and sexual violence legislation and policies.

Out from the Shadows: Sexual Violence Against, Children with Disabilities, Published by Save the Children UK, 1 St John's lane, London EC1M 4AR, UK, +44 (0)20 7012 6400, [www.savethechildren.org.uk](http://www.savethechildren.org.uk) 2011, © the save the children Fund 2011, p3



## Canada needs to take action on the accepted recommendations of the 2009 Universal Periodic Review on Human Rights:

Recommendations from Canada's Universal Periodic Review in 2009 that were accepted, accepted in part or accepted in principle

	Recommendation	Accepted	Accepted in part	Accepted in principle
	General			
1*	Establish an effective and inclusive process to follow-up on the universal periodic review recommendations (Norway); that civil society be actively involved in the further universal periodic review process of Canada (The Netherlands), in a thorough and timely (Denmark), meaningful and participatory manner and, in the implementation of the review (United Kingdom).	X		
	Human Rights Council			
2	Accept the pending visit of the Special Rapporteur on the human rights of migrants, which is pending since 2006	X		
3	Respect its human rights obligations and commitment without exception or ulterior consideration and take steps to address double standard and politicization in its human rights policies (Island Republic of Iran).	X		
4	See to it that its action within and outside the Council was based on the commitments it has undertaken and on principles of objectivity, impartiality and non-selectivity (Algeria).	X		
5	Implement the voluntary pledges it presented as it applied to the Human Rights Council; namely, the principles of universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization in addressing human rights issues of different communities and peoples domestically and internationally (Syrian Arab Republic).	X		
	International instruments			
6	Consider signing and ratifying (Brazil, Chile)/accede to (Liechtenstein; Czech Republic) /ratify (Denmark; France; Chile; Azerbaijan) the OP-CAT and establish an effective National Preventive Mechanism (Denmark; Liechtenstein; France; Czech Republic) as required under the Protocol (Liechtenstein) and further adopt additional measures to ensure its full implementation without any exceptions of the principle of non-refoulement (Czech Republic).	X		
7	Consider ratifying (Jordan)/ratify as soon as possible ICRPD (Chile, China);	X		
8	Request from OHCHR the necessary support for the process of ratification of a greater number of international human rights instruments (Bolivia).	X		



	Recommendation	Accepted	Accepted in part	Accepted in principle
	Effective implementation of international human rights treaties			
9	Continue its committed policy, federally, provincially and territorially, to promote and protect all human rights (Morocco).	X		
10	Seek to demonstrate that challenges presented by relationships between its federal, provincial and territorial governments do not present unnecessary obstacles to the fulfillment of treaty obligations (United Kingdom).	X		
11	Create or reinforce a transparent, effective and accountable system that includes all levels of the government and representative of the civil society, including indigenous people, to monitor and publicly and regularly report on the implementation of Canada's human rights obligations (Portugal); establish a mechanism that will meet regularly with the effective participation of civil society organizations and indigenous peoples, and have national reach to implement all Canada's international obligations and facilitate the acceptance of pending commitments, (Mexico); consider measures to make the Continuing Committee of Officials on Human Rights more operational, ensure its better accessibility for the civil society enabling thus a permanent dialogue process on international human rights obligations including those from the Universal Periodic Review (Slovakia).		X	
12	Effectively implement United Nations treaty bodies' recommendations (Azerbaijan) and as appropriate on indigenous people (Jordan); implement in national norms, the commitments made when ratifying the ICESCR and the CERD through the implementation of the recommendations which have come out of their respective Committees (Bolivia); analyze United Nations treaty bodies recommendations in consultation with representatives of the civil society, including indigenous people, and implement them or publicly report on the reasons why it considers no implementation is more appropriate (Portugal); include participation of civil society (in mechanisms and procedures that are in place for national follow up to recommendations of treaty bodies) and publication of the concluding recommendations of treaty bodies (Czech Republic).		X	
13	Widely publish the outcome of this universal periodic review and to make regular and inclusive consultation with civil society an integral part of the follow-up to the universal periodic review and also of the preparation of the next national report to the universal periodic review (Czech Republic).		X	
14	A similar system (as for treaty bodies) be created for		X	



	Recommendation	Accepted	Accepted in part	Accepted in principle
	the analysis and implementation of the recommendations resulting from the universal periodic review exercise (Portugal).			
	Aboriginal peoples			
15	Give the highest priority to addressing the fundamental inequalities between some of its citizens including through its policy agenda focused on five key areas of economic development: education, citizen empowerment and protection of the vulnerable, resolution of land claims and reconciliation, governance and self-government (United Kingdom).	X		
16	Strengthen and enlarge existing programmes and take more and specific measures towards Aboriginals, particularly with regard to the improvement of housing, educational opportunities, especially after elementary school, employment, and that women's and children's rights are better safeguarded, in consultation with civil society (The Netherlands).		X	
17	Integrate economic social and cultural rights in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, specially the Aborigines, afro-Canadians, migrants, persons with disabilities, youth, women with low incomes, and single mothers and adopt all necessary measures, including the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, to guarantee Aboriginals the full enjoyment of their rights including economic, social and cultural so that their standard of living was similar to that of the rest of the citizens in Canada (Cuba).		X	
18	Establish policies to improve healthcare and general welfare of indigenous children (Indonesia).	X		
19	Ensure that all consultation and consent duties are respected by all responsible government agencies at federal and provincial level as well as to ensure that the relevant recommendations of United Nations treaty bodies are fully taken into account and that the specific claims processes do not restrict the progressive development of Aboriginal rights in the country (Austria).	X		
20	Reinforce efforts to settle territorial claims and improves the mechanism of conflict resolution (Switzerland).	X		
	Poverty and homelessness			
21	Continue to address socio-economic disparities and inequalities that persist across the country (Turkey).	X		
22	Integrate economic social and cultural rights in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, specially the		X	



	Recommendation	Accepted	Accepted in part	Accepted in principle
	Aborigines, afro-Canadians, migrants, persons with disabilities, youth, women with low incomes, and single mothers and adopt all necessary measures, including the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, to guarantee Aborigines the full enjoyment of their rights including economic, social and cultural so that their standard of living was similar to that of the rest of the citizens in Canada (Cuba).			
23	Consider taking on board the recommendation of the Special Rapporteur on adequate housing, specifically to extend and enhance the national homelessness programme and the Residential Rehabilitation Assistance Programme (Malaysia).	X		
24	Intensify the efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low income families (Vietnam).	X		
	<b>Disadvantaged groups</b>			
25	Implement all international human rights instruments related to Aborigines, women, Arabs, Muslims and other religious minorities, migrants and refugees and enhance and protect their rights against violations (Saudi Arabia).	X		
26	Closely monitor the situation of other disadvantaged groups such as women migrant workers, women prisoners and victims of trafficking (Turkey).	X		
27	Continue policies and programmes aimed at reducing inequalities that still exist between the Aboriginal, recent immigrants and other Canadians (Vietnam).	X		
28	Ensure the full implementation of legislation prohibiting discrimination in employment and all discriminatory practices in the labour market and that further measures be taken to reduce unemployment among minority groups (Egypt).	X		
29	In line with CERD and CEDAW recommendations, to implement fully the antidiscrimination legislation in the labour market including considering the adoption of temporary special measures (Slovakia); take the necessary measures to end discrimination against women in workplaces and implement ILO and CESC recommendations to ensure equal remuneration for work of equal value in public and private sectors (Syrian Arab Republic).	X		
30	Strengthen or adopt, as necessary, specific programmes to ensure appropriate representation of minority communities at all levels of government, and adopt broad and effective national measures to end discriminatory approaches to law enforcement and provide victims with effective recourse and remedies (Egypt).		X	



	Recommendation	Accepted	Accepted in part	Accepted in principle
31	Intensify its efforts to ensure that higher education is equally accessible to all, on the basis of capacity (Liechtenstein).			X
32	Apply the Yogyakarta principles as a guide to assist in further policy development (The Netherlands).	X		
<b>Racism, racial discrimination and xenophobia</b>				
33	Intensify efforts to combat racism, racial discrimination and xenophobia (Azerbaijan).	X		
34	Take effective measures to combat and put an end to discrimination against indigenous population and to elaborate and implement a National Action Plan to deal with this phenomenon (Azerbaijan); address root causes of discriminations, ensure effective access to justice, establish immediate means of redress and protection of rights of ethno-minorities, in particular, Aboriginals (Islamic Republic of Iran).	X		
35	Apply provisions of its hate-speech law in a non-selective manner to cover all acts and incidents that may lead to incitement to racial and religious hatred and violence (Pakistan).	X		
36	Consider taking more resolute action to prevent and punish perpetrators of racially motivated acts of violence against members of the Muslim and Arab communities, the indigenous population, Canadian citizens of foreign origin, foreign workers, refugees and asylum-seekers (Malaysia).	X		
37	Give appropriate attention to end racial discrimination against the Arab and Muslim communities in Canada including racial and religious profiling (Syrian Arab Republic).		X	
38	Review its discriminatory national laws on security and adopt sensitization campaigns to protect against racial profiling and stereotyping on the grounds of nationality, ethnicity, descent and race, with regards to terrorism, as suggested by CERD (Indonesia).		X	
39	Make its immigration procedures more transparent and objective and take concrete measures to avoid the misuse of procedures to profile on the basis of race, religion and origin (Pakistan).		X	
40	Start awareness campaigns aimed at protecting certain persons and certain groups against stereotyping that associates them with terrorism and to envisage an amendment to the anti-terrorism law to improve a specific clause against discrimination, and to amend relevant legislation or to adopt legislation to criminalise acts of racist violence, consistent with article 4 of ICERD (Algeria).		X	
41	Continue efforts to bring its system of security certificates concerning immigration into compliance with international human rights standards		X	



	Recommendation	Accepted	Accepted in part	Accepted in principle
	(Switzerland).			
	Immigrants, migrant workers and refugees			
42	Re-consider the approach on the nature of prohibition of torture and to review the non-refoulement principles in its domestic legislation (Brazil).		X	
43	Increase efforts to enhance the protection of the human rights of migrants and hold open consultations with civil society on the ICRMW (Philippines).		X	
44	Launch a comprehensive review leading to legal and policy reforms which protect the rights of refugees and migrants, including rights to family reunification and enact legislation creating an offence for racial violence, and design and implement training for judges and prosecutors on the nature of hate crimes on the basis of race (Egypt).		X	
45	Make its immigration procedures more transparent and objective and take concrete measures to avoid the misuse of procedures to profile on the basis of race, religion and origin (Pakistan).			X
	Women and violence against women and children			
46	Takes further measures to ensure effective implementation of CEDAW at the federal, provincial and territorial levels, giving particular attention to the Aboriginal women and girls (Turkey); continue efforts to tackle discrimination against Aboriginal women in all sectors of society, including employment, housing, education and health care (Finland); take measures to combat socioeconomic discrimination, which is a cause of continuous violence against Aboriginal women, and to inform them better of their rights (Belgium); consider taking additional steps to address discrimination against disabled adult women and Aboriginal women (United Kingdom).	X		
47	Consider taking on board CEDAW recommendations (Malaysia) to criminalise domestic violence (Malaysia; Italy; Mexico), ensuring to victims effective access to immediate means of protection and reinforcing prosecution of perpetrators (Italy) and adequately investigate and sanctioning those responsible for the death and disappearance of indigenous women (Mexico); take measures to help effective access to justice for victims of domestic violence and provide immediate means of redress and protection (Austria).			X
48	Implement in national legislation the prohibition and criminalization of all types of violence against women and children, specially indigenous women and children, in accordance with the commitments acquired in the corresponding Conventions (Bolivia).			X
49	Take the necessary measures to end violence against women including domestic violence and against			X



	Recommendation	Accepted	Accepted in part	Accepted in principle
	aboriginal women, and implement CEDAW and the Human Rights Committee recommendations in this context (Syrian Arab Republic).			
50	Adopt further measures to ensure: accountability of the police for their proper, sensitive and effective conduct in cases of violence against women; and better protection of in particular aboriginal women against all violence, including through addressing their low socio-economic status and discrimination against them; better accessibility of alternative/protected housing for victims of domestic violence (Czech Republic)			X
51	Systematically investigate and collect data on violence against women and to disseminate this information (Belgium).			X
52	Institute comprehensive reporting and statistical analysis of the scale and character of violence against indigenous women, so that a national strategy can be initiated, in consultation with indigenous representatives, to respond to the severity of the issues (Norway); study and address the root causes of domestic violence against women, in particular Aboriginal women (Austria).			X
Trafficking and sexual exploitation				
53	Conduct a review of the effectiveness of its legislation relevant to trafficking in human beings and implement reforms where necessary to strengthen the protection of the rights of victims of trafficking (Slovakia).	X		
54	Strengthen enforcement legislation and programmes regarding prohibition of commercial sexual exploitation of children (Philippines)	X		
Use of conducted energy weapons				
55	Submit to scrutiny the regulations governing the use of Taser weapons with a view to adopting legislation that would explicitly place them in the category of "weapons" and prescribe more rigorous procedures for their possession and use (Italy).	X		
Detainees and prisoners' rights				
56	Alter detention and prison facilities as well as standards of treatment for juveniles so that they are gender sensitive and ensure effective protection of detainees' and prisoners' personal safety (Czech Republic).	X		

\* The numbers used in this table are for the purpose of consultation only; they do not represent the actual number of the recommendation that is found in the UN Working Group report.

