

**Annual Report**

**2009-2010**



*Traci Walters (IL Canada), Hon Lawrence Cannon, Bendina Miller (CACL) and Steve Estey (CCD) at the UN when Canada ratified the CRDP.*

**Building an Inclusive and**

**Accessible Canada**

2009/2010

**Executive Committee**

▪ Marie White, Chairperson

▪ John Rae, 1st Vice Chair

▪ Carmela Hutchison, 2nd Vice Chair

▪ Roy Muise, Treasurer

▪ Claredon Robicheau, Secretary

▪ Susan Ralph, Member-at-Large on Executive

**Member Organizations and their Representatives**

▪ British Columbia Coalition of People with Disabilities – Valerie Thoem

▪ Alberta Committee of Citizens with Disabilities – Margot Brunner-Campbell/Dave Storey

▪ Saskatchewan Voice of People with Disabilities – Maurice Bourassa

▪ Manitoba League of Persons with Disabilities – Terry McIntosh

▪ Confédération des organismes de personnes handicapées du Québec – Richard Lavigne

▪ Nova Scotia League for Equal Opportunities – Claredon Robicheau

▪ PEI Council of the Disabled – Tony Dolan

▪ Coalition of Persons with Disabilities NFLD and Labrador – Susan Ralph

▪ DisAbled Women’s Network Canada/Réseau d’action des femmes handicapées du Canada – Carmela Hutchison

▪ Canadian Association of the Deaf – Doug Momotiuk

▪ National Educational Association of Disabled Students – Devon Sivill

▪ National Network for Mental Health – Roy Muise

▪ Thalidomide Victims Association of Canada – Nancy Blain

▪ People First Canada – John Cox

▪ Citizens With Disabilities-Ontario – Al Buchan/Terry Green

▪ Alliance for Equality of Blind Canadians – John Rae

▪ NWT Council of Persons with Disabilities – Brian Carter

**Members-At-Large on Council**

▪ Doreen Gyorkos — Member-at-Large on Council

▪ Robin East — Member-at-Large on Council

**Staff**

▪ Laurie Beachell, National Coordinator

▪ Clare Simpson, Comptroller

▪ April D’Aubin, Research Analyst

▪ Julia Baires-Arauz, Office Manager

▪ Maureen Colgan, Administrative Assistant

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**National Chairperson’s Report**

I

n 2010, the Canadian disability rights movement began a new era, as the Canadian government ratified the Convention on the Rights of Persons with Disabilities (CRPD). With ratification, the Government of Canada agreed that Canada would be bound by an international standard which stipulates how human rights are to be achieved for persons with disabilities. The international disability movement, of which CCD is a part, played a very significant role in the creation of this international treaty. During my tenure as Chairperson, CCD was very involved in the drafting of the text of the CRPD and the campaign to have the CRPD ratified by Canada. With ratification a new chapter is beginning with respect to CCD's work on the CRPD.

For the long-term, CCD, along with many other organizations in the Canadian disability rights movement, will be working to guide the implementation and monitoring of the CRPD in this country. As people with disabilities, we want to breathe life into the CRPD and ensure that it becomes more than fine words in a collection of international laws. We are on a sound footing for this work because our community worked diligently to develop our own National Action Plan that has as its foundation the priorities of the Canadian disability community: disability-related supports, poverty alleviation, employment, access and inclusion. Indeed our National Action Plan forms an excellent basis for an initial Canadian implementation strategy for the CRPD. In addition, in April, CCD held its first consultation with community members to begin the conversation about implementation. As June marks the end of my term as CCD Chairperson, CCD's work on the implementation and monitoring of the CRPD will be carried on by the new Executive that is elected at the Annual General Meeting.

The new Executive members will find they have a very strong team supporting them. The CCD team consists of our member organizations, the National Council of Representatives, the CCD Committees and the CCD staff. Last year, CCD had the privilege of granting full membership to Citizens with Disabilities Ontario (CWDO). Since that time, CWDO has been an active and contributing member of our coalition of organizations.

All of CCD's member organizations steadfastly collaborate with CCD on the advancement of a rights-based message in a dedicated and principled manner. The National Council is a venue where issues are identified, solutions debated and strategies agreed upon and pursued with determination. The CCD Committees are the “worker bees” of our organization. They bring together people with disabilities and our allies from across Canada who have unique expertise on particular issues and they assist us to develop and implement strategies for the achievement of an accessible and inclusive Canada.

Of note, CCD's staff is committed to CCD's mission and are fully engaged in assisting the Council, the Committees and the member organizations fulfill CCD's mandate.

I have greatly appreciated working with the CCD team during my time as Chairperson of CCD and as Chairperson of CCD's Social Policy Committee I will continue to assist the organization address Canada's public policy challenges.

In the coming years, there are many policy challenges that we will have to face together as a movement. As I have said many times before, social policy is homeless in Canada. For Canada to be truly accessible and inclusive, we need to have a federal government that is demonstrating leadership on social policy issues and addressing the issues that will assist Canadians with disabilities to have access to the disability-related supports we need, incomes that lift us out of poverty, good jobs, homes in the community with our families, and access to all the opportunities that Canada affords. These goals need to be met at a time when the Government of Canada is addressing a deficit, an international economic crisis, climate change, terrorism, to name a number of the competing issues that Canada's federal Government is managing. Our issues must not be put on the back burner while the government of the day addresses a current crisis deemed to be “more important”.

There will always be a current crisis and another one looming around the corner. A crisis and financial issues cannot be used as justification for doing little to address the continuing severe poverty and marginalization of many Canadians with disabilities. As the CRPD makes clear, disability is an integral component of the human condition and government has an ongoing and progressive responsibility to ensure that people with disabilities experience full enjoyment of their human rights.

Our job as the preeminent Canadian human rights organization of men and women with disabilities is to ensure that Canada's political leadership is aware of our issues and to motivate them to keep disability high on the agenda of the government of the day. Like everyone in the CCD coalition, I am committed to creating a home for social policy with the federal government and true access and inclusion for persons with disabilities across our country.

Marie White

Chairperson

**National Coordinator’s Report**

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nother year has come and gone quickly. They say that as you get older time moves more quickly and that is certainly true for me. 2009/2010 again has been a year full of good work, challenges and unexpected activities.

Our good work continues on many fronts but seldom do we get a chance to celebrate our successes, however, this year was the exception. On March 11 Canada ratified the United Nations Convention on the Rights of Persons with Disabilities and a celebration was in order for this was the culmination of 7 years of hard work. CCD led this process in Canada and truly the good work of many has contributed to an excellent product and outcome. Now our challenge is to make it real in Canada as a tool that advances our domestic agenda.

Challenging for CCD in the last year was managing the many issues that are of concern to Canadians with disabilities. You know these issues better than I but they include issues of poverty, lack of disability supports, access to new technologies, new information methodologies, immigration, transportation, employment, etc, etc. The list goes on and on. CCD resources are not expanding yet we continue to try and do it all. Sadly, at some point if resources do not increase we will have to step away from some issues and put our energies into fewer issue areas. Equally challenging in our current environment is ways of moving forward a social agenda at the federal level in an environment that is extremely partisan. Disability issues never were partisan issues and CCD remains nonpartisan in its approach, but now partisan politics are impacting on our issues more directly than in the past.

Unexpected but important to our ongoing planning has been the emergence of new work or requests for support regarding equitable library services, access to electoral processes, support to those with disabilities seeking to immigrate to Canada, the inaccessibility of CTV’s Olympic coverage, disability and development in Haiti, development of a new strategy for data collection on persons with disabilities (yes, PALS is dead), finding new avenues to use the tax system to advance our issues. Life at CCD is never boring and even after all these years I am eager to get to work in the morning and see what the day will bring.

Thank you to board members, committee members and the many volunteers who make my work for CCD exciting and interesting. Thank you to the staff, April, Clare, Julia, Maureen who make this work environment productive and enjoyable. Some have wondered about “succession planning at CCD”. I believe it is wise to begin thinking about this but, if you will have me, I am probably here for at least another 3 years or more.

Laurie Beachell

National Coordinator

**Social Policy Committee Report**

**Members:** Marie White (Chairperson), John Rae, Roy Hanes, Gary Birch, Roy Muise, Sandra Carpenter, Michael Huck.

"In Canada, social policy is homeless." This is a comment that I have made frequently during my tenure as Chairperson of the Council of Canadians with Disabilities (CCD). The fact that there is no national strategy on disability at the federal level is not attributable to a lack of effort on the part of the disability community. Since this government came to office, we have been drawing their attention to the disability community's dynamic reform agenda, with short and long term initiatives, that would go a long way to make Canada an inclusive and accessible country where people with disabilities would be assured the full enjoyment of their human rights. Of course, I am referring to the National Action Plan, which has been endorsed by 100 organizations. This year, the Social Policy Committee has promoted the disability community's National Action Plan to a variety of audiences. In this report, I will summarize the varied initiatives that the Committee has undertaken to advance our goal of an inclusive and accessible Canada.

One item from the community's National Action Plan was achieved this year and, of course, that was ratification of the Convention on the Rights of Persons with Disabilities (CRPD). On 11 March 2010, the Hon. Lawrence Cannon filed Canada's ratification documents with the Secretary-General of the United Nations, Ban Ki-moon. The Co-chair of CCD's International Development Committee Steve Estey was on hand to witness this historic moment in Canada's disability policy history.

Implementation of the CRPD in Canada will be a major focus for CCD in the coming years and this Committee will play an important role in ensuring that the Convention's substantive articles are addressed in a meaningful manner by Canada.

At the beginning of October, a third End Exclusion event was held in Ottawa, where invited leaders from the disability community and from the community of poverty activists met together to discuss the common concerns of both communities. CCD has endorsed the Dignity for All Campaign and CCD is represented on the Campaign's Steering Committee.

CCD has pursued its poverty reduction agenda with the Minister of Finance, the Hon. James Flaherty. In summary, CCD’s recommended first steps for addressing poverty are as follows: Make the Disability Tax Credit (DTC) refundable for Canadians with disabilities who do not have a taxable income; expand EI Sickness Benefits to 50 weeks; establish targets for the employment of people with disabilities in Federal/Provincial Labor Market agreements; and during times of economic downturn support vulnerable persons.

CCD has continued its work to improve the Canada Pension Plan Disability (CPPD) Benefit. Laurie Beachell, CCD National Coordinator, has been participating on the CPPD Roundtable, which focuses on improving the administration of the program and implementing reforms that do not require legislative changes. Unfortunately, one of our long-term allies Ms. Nancy Lawand has retired from her position as Director General with the CPPD program. CCD is very appreciative of Ms. Lawand's commitment to reform driven by the principles of equality and disability rights. We wish Ms. Lawand all the best in her future endeavors.

In addition to making CCD's views known to the Government, CCD has also been sharing its views with the other major political parties and with the media. I was invited by the Liberal Party of Canada to speak at their Poverty and Homelessness Roundtable, hosted by Michael Ignatieff, Ken Dryden, Mike Savage, Ruby Dhalla, Gerard Kennedy and Senator Art Eggleton. CCD has also worked with Judy Wasylycia-Leis, the NDP Critic on Disability Issues, to keep her apprized of CCD's priority issues. CCD has been using "Open Letters", which it shares with all Members of Parliament, as a way to convey its disability rights message on a wide variety of topics. CCD is also a frequent author of "Letters to the Editor", as this is another way to get our viewpoint known by a cross section of Canadians.

CCD continues to undertake disability policy research. This year, the two major examples of our research work have been our research project on poverty, called Disabling Poverty/Enabling Citizenship, and our legal research on immigration. The Disabling Poverty/Enabling Citizenship project is in its second year and this summer we revealed our first results at the Canadian Council on Social Development national conference which took place in Calgary from 19-22 May 2009. Project members, Michael J. Prince, Nathan Irving, Michael Bach, Sharon Murphy and Laurie Beachell engaged with conference participants in a discussion about the use of a human rights lens for reviewing policy options and current poverty reduction strategies and their impact on persons with disabilities.

On behalf of CCD, the Committee is undertaking research on immigration policy and people with disabilities. This research is being undertaken by David Baker, John Rae and Judith Sandys. CCD will be using this material as we seek to eliminate the negative biases in Canada's immigration system. Canada continues to prevent the immigration of people with disabilities to Canada, because out-dated assumptions about the "burden" of disability dominate thinking in the immigration system.

As everyone knows, we currently have a minority government. Like the political parties and Elections Canada, CCD remains in a constant state of readiness in case an election should be called. As our National Action Plan has not yet been fully implemented, CCD will be presenting the key components of the Plan to those running in the next Federal election, whenever it is called.

International Development Committee Report

**Members:** Steve Estey (Co-Chair), Mary Reid (Co-Chair), Jim Derksen, David Shannon, Yutta Fricke, John Rae.

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anada ratified the Convention on the Rights of Persons with Disabilities. On 3 December 2009, the CRPD was tabled in the House of Commons and then on 11 March 2010, the Hon. Lawrence Cannon filed Canada's ratification papers with the Secretary-General of the United Nations.

Canada's ratification of the CRPD signaled the end of an era where people with disabilities were seen as objects of charity and passive recipients of rehabilitation. The Convention ushers in a new era where people with disabilities are viewed as full citizens with exactly the same rights and responsibilities as other citizens of Canada.

The CRPD is the product of a historic partnership between the global movement of people with disabilities and their governments. Many in the government of Canada championed the cause of the CRPD. One of our first supporters was the Hon. Peter MacKay, a former Minister of Foreign Affairs. The Hon. Diane Finley, through Human Resources and Skills Development Canada, supported CCD to host community consultations that provided community members the opportunity to have input into the language of the CRPD. The Government of Canada included from CCD first Mary Ennis and then Steve Estey on the Canadian delegation that worked on the CRPD at the United Nations.

The Convention on the Rights of Persons with Disabilities upholds

* the equal protection and equal benefit before the law of all people,
* the inherent dignity and independence of all persons with disabilities and
* the participation of people with disabilities in decision-making affecting them.

The CRPD requires Canada to create a framework for addressing its obligations to people with disabilities under the treaty. Article 33 calls upon countries to “designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.” Article 35 requires States to submit regular comprehensive reports on measures taken to promote and protect the human rights of people with disabilities. These requirements are timely. CCD has been saying that social policy in Canada is homeless. The CRPD’s call for a focal point, monitoring and reporting will assist the disability rights community re-position disability rights on the political agenda.

While that is the good news, there is also some bad news and it is that Canada ratified with reservations with regard to Article 12 and Article 33. The reservation on Article 12 was very disappointing for our community, particularly those associated with the Canadian Association for Community Living and People First of Canada. There is also some unfinished business and that is Canada has not yet indicated that it will be ratifying the CRPD's Optional Protocol. When the Optional Protocol is ratified, Canadians, who have exhausted all domestic mechanisms for redress of human violations, will have access to an international mechanism.

Ratification does not mean that our work on the CRPD is over. Rather, it means that we are moving into a new and equally important phase of work geared to being involved in domestic implementation of the CRPD, monitoring Canada's implementation, and ratification of the Optional Protocol.

At the January Council meeting, there was an information session held on the CRPD for Council members. The presenters included: Anna MacQuarrie (CACL), Michael Bach (CACL), Amita Dhonda from India, Gabor Gambos from Hungry, Harvey Goldberg (Canadian Human Rights Commission), and Laurie Beachell (CCD). At this meeting CCD began to look at priorities with respect to implementing and monitoring the Convention.

CCD shared its perspective on Canada's human rights record to the Universal Periodic Review (UPR) of Canada. On 20 April 2009, Steve Estey was a witness before the Senate Committee on Human Rights and Poverty and he addressed Canada's record on disability issues. On 21 April 2009, Steve Estey participated in a Heritage Canada consultation on the UPR. During these meetings, CCD focused on the historic “invisibility of disability” in mainstream international human rights discourse and how over the past few years there has been a shift to include disability issues – with the Convention on the Rights of Persons with Disabilities (CRPD) and also the inclusion of disability issues in the UPR. The presentation also focused on significant challenges in the area of economic, social and cultural rights.

The CCD International Development Committee is sharing its expertise on disability and development with Canadian development organizations. Committee Co-chair Mary Reid was elected as a Vice Chairperson of Mines Action Canada (MAC). International Development Committee member Yutta Fricke was elected to the Canadian Council for International Co-operation (CCIC) Board of Directors. By becoming involved in organizations such as MAC and CCIC, CCD increases the opportunities for raising awareness about the development issues of persons with disabilities.

Mines Action Canada (MAC)-- MAC is a coalition of over 40 Canadian NGO'S working to end the use of land mines and cluster munitions. MAC advocates for and with people who experience these weapons first hand to support access to human rights and equality. CCD's voice is present with Mines Action Canada through representation on their Board of Directors by Mary Reid.

Canadian Council on International Co-operation (CCIC)-- CCIC is a coalition of Canadian voluntary sector organizations working globally to achieve sustainable human development. CCIC seeks to end global poverty, and to promote social justice and human dignity for all. CCD's voice is present with CCIC through representation on their Board of Directors by Yutta Fricke.

As a CCIC Board member, Yutta was able to bring attention to the needs of Haitians with disabilities following the devastating earthquake in that country. She worked through CCIC on the wording of a statement conveyed to the Montreal Summit on Haiti's reconstruction. As a result, the "Canadian Civil Society Statement to the Foreign Ministers’ Meeting on Haiti" called for the following actions on disability issues:

"Persons with disabilities, including those newly disabled by the earthquake, will find it difficult to access food, water and shelter… We call on the Government of Canada to work with other donors and civil society to: …Prioritize the delivery of humanitarian assistance to vulnerable groups such as unaccompanied minors, the disabled, elderly, and women/girls, and ensure that their needs and priorities are addressed in the planning for Haiti’s recovery, reconstruction, and longer-term development. To this end: Ensure shelter and emergency camps are planned and built with disability access in mind. Include persons with disabilities and organizations focused on disability rights in all initiatives and stages of relief, recovery, reconstruction, and longer-term development planning…"

CCD will continue to look for other avenues where we can promote access and inclusion as principles to guide reconstruction in Haiti.

CCD is a member of Disabled Peoples' International. CCD Chairperson Marie White participated in a meeting of the DPI North American Caribbean Regional Assembly, held in Barbados. Marie was elected both to the Regional Assembly and, as well, to fill a vacancy on DPI’s World Council.

**Explanatory Note**

**Canada's Reservations on the CRPD--**Canada has reservations regarding Articles 12 (Equal recognition before the law) and 33(2) (relating to the creation or designation of a domestic framework to promote, protect and monitor implementation of the rights as set out in the Convention).

**Article 12--**With respect to Article 12 Canada states, “Canada would enter an interpretive declaration to Article 12(2) and (3), to clarify its understanding that Article 12 reflects a presumption of legal capacity and permits supported and substitute decision-making arrangements, much as guardianship and powers of attorney. Canada would also enter a reservation to protect its ability (in the event of a contrary interpretation of international law) to continue the use of substitute decision-making arrangements in appropriate circumstances and subject to appropriate and effective safeguards. …Canada would enter a limited reservation to preserve its right to maintain the supported and substitute decision-making arrangements that are not subject to regular review by an independent authority, where such measures are already subject to review or appeal.”

**Article 33 (2)--**Canada will enter an interpretive declaration, stating it understands that the Article’s requirements regarding a domestic framework for promotion, monitoring and implementation accommodates Canada’s federal/provincial/territorial structure.

Transportation Committee Report

**Members:** Pat Danforth, David Baker, Robin East, Ron Ross, Claredon Robicheau, Susan Ralph.

CCD's

goal is that all travelers with disabilities in Canada have the opportunity to use transportation services that incorporate universal design and allow for independent and dignified use.

CCD's transportation policy priority continues to be the establishment of access regulations that would prevent the creation of new barriers and the elimination of existing barriers in the federal transportation system. CCD has been promoting access standards for many years now. The Federal Government continues to resist this approach in Canada's transportation system despite that other countries, including the United States and the United Kingdom, have regulated their transportation industries for access. As a result of Canada's less than progressive approach to ensuring transportation access, people with disabilities continue to witness new barriers being created in the transportation system.

In January, the CCD Council expressed concern about how security measures, such as body scanners, would accommodate the needs of persons with disabilities. CCD recognizes the need for security measures. CCD wants scanning equipment to be usable by people with disabilities in an independent and dignified manner. CCD's Transportation Committee discussed its concerns about the body scanners and security "pat down" searches with officials from Transport Canada, the Canadian Transportation Agency and the Transportation Development Centre. The officials were unaware of the accessibility of the body scanners, amplifying the low priority accessible transportation has become. We continue to monitor this issue.

The VIA Rail issue continues to be on the CCD agenda, because VIA Rail continues to work on addressing the access measures ordered by the Supreme Court of Canada. VIA Rail invited CCD representatives to view the retrofit access provisions that are being built into the Renaissance cars that CCD focused on in its complaint. Following the viewing, CCD provided its recommendations for improvements to VIA Rail. CCD began this work in 2000 and only very slow progress is being made toward having all Renaissance cars meet the standards set by the Supreme Court. The VIA Rail case demonstrates why CCD has made access regulations its long-term objective. The current system of voluntary codes of practice on accessibility has been a dismal failure.

On behalf of the Council of Canadians with Disabilities, Pat Danforth serves on the Canadian Transportation Agency Advisory Committee. Through the Advisory Committee, CCD shares its views on access with the Agency.

The Minister of Transportation has created an advisory committee on accessible transportation to which the Government of Canada has appointed a number of individuals. Previously, there was an advisory committee to which organizations of people with disabilities appointed their own representative. The current committee is not accountable to the disability community. Indeed, to date, no information has been made public about the activities of this committee.

**Ending of Life Ethics Committee Report**

**Members:** Rhonda Wiebe, Dean Richert, Anne Kresta, Hugh Scher, Nancy Blain, Jim Derksen, Alex Schadenberg, Marc Workman.

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he Committee worked to raise awareness about the dangers presented by Francine Lalonde's Private Member's Bill, Bill C-384, an Act to amend the Criminal Code (right to die with dignity). The intention of the Bill was to amend the *Criminal Code* to allow a medical practitioner to provide an assisted death to a person experiencing severe physical or mental pain without any prospect of relief or suffering from a terminal illness. The Bill was voted on in the Spring and defeated. As a result of the Committee's work, CCD wrote to all Members of Parliament and encouraged them to vote against the Bill. CCD also shared its concerns with its member groups, so that they and their members could also communicate with Members of Parliament on this issue.

CCD was concerned about the Bill's focus on suffering as a criterion for ending the lives of Canadians. Longstanding social practices and beliefs have misled many people without disabilities to conflate disability with suffering. Unlike nondisabled people, people with disabilities do not consider themselves to be suffering because they have a disability. They are as satisfied with their quality of life as nondisabled people are with theirs. If the Bill was passed, CCD was concerned that negative cultural perceptions regarding disability would result in people with disabilities being pressured to accept deaths that they did not want.

On 13-14 November 2009, Rhonda Wiebe and Dean Richert, the Co-Chairs of CCD’s Ending of Life Ethics Committee, Terry Green, Chairperson of CCD’s Member Group Citizens with Disabilities-Ontario, and April D’Aubin, CCD Research Analyst, attended a workshop, organized by the Manning Center, that focused on developing advocacy strategies to counter efforts to legalize euthanasia. Also in attendance at that meeting was Committee member Hugh Scher. Many participants at the session were concerned about Francine Lalonde’s Private Member's Bill which would legalize assisted suicide and euthanasia in Canada.

The workshop benefited from the knowledge shared by participants from American states where euthanasia has been legalized. They made the case that while pro-euthanasia advocates promote assisted suicide as a choice, this is an illusion because the laws that have been passed essentially give choice over to doctors and proxies. Legalizing euthanasia and assisted suicide was also raised as a "recipe for elder abuse" by disability advocates and others at this meeting.

The Committee has been sharing information with the Euthanasia Prevention Coalition (EPC). Like CCD, the EPC seeks to alert Canadians to the dangers presented by the legalization of euthanasia. Rhonda Wiebe has been networking with Alex Shadenberg and others from the EPC.

The CCD Human Rights Committee and the CCD Ending of Ethics Committee have been networking about the Manitoba College of Physicians and Surgeons Statement on Withholding and Withdrawing Life Sustaining Treatment. Committee member Jim Derksen raised his concerns about the Statement at a meeting of the CCD Human Rights Committee of which he is also a member. This resulted in a meeting of Dean Richert, Yvonne Peters and Jim Derksen to explore advocacy options to address the Statement. Work continues on this issue.

Access to Technology Committee Report

**Committee Members:** Kier Martin (Chair), Cathy Moore, Gary Birch.

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nformation and communication is playing a larger and larger role in the lives of Canadians. When this technology was first being introduced, we were optimistic that it would resolve many barriers faced by people with disabilities and certainly in some areas greater access has been achieved. Unfortunately, many information and communication technology products have been designed in such a way as to create barriers for people with disabilities. CCD's Access to Technology Committee approaches technology from a cross disability perspective.

CCD has received a research project to take a more in-depth look at new barriers that are emerging in Canadian society. CCD, the Neil Squire Society, AEBC and CAD will be collaborating on this work. In the coming months, this project will assist the Committee to develop a sharper focus on the technology barriers confronting Canadians with disabilities and the solutions that they would like CCD to pursue.

During the past year, the Canadian Radio-television and Telecommunications Commission (CRTC) has been the main focus of the Committee's work. The Committee has undertaken a number of activities related to this regulatory authority.

On February 16, 2006, in Decision Telecom 2006-9, the Canadian Radio-television and Telecommunications Commission ruled that over $650 million dollars of telephone subscriber fees that had been raised by approved higher rates for telephone service should be spent by Bell and other phone companies to build high-speed Internet connections to rural and remote areas and to improve access for persons with disabilities. Since that ruling, CCD, along with other organizations in the disability community, has been sharing its views on how the funding earmarked for access should be expended. On 23 April 2009, Kier Martin and Laurie Beachell participated in a conference call meeting with Bell Canada to respond to Bell’s initial proposals about how it will be using the access funding to improve access to telecommunications service for persons with disabilities. In 2010, CCD participated in two additional meetings held in February with Bell Canada.

In the summer, CCD submitted a brief to the CRTC on network neutrality, which is about how the internet is governed. CCD’s objective is to ensure that no new barriers are created which would hamper the disability community’s access to the internet.

In February, CCD Council representative Terry Green of CWDO alerted CCD to barriers in television and web site video coverage of the Olympics. Laurie Beachell has raised the concerns with the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), CTV and the CRTC. The CRTC has taken this inquiry as a complaint and has contacted CTV for its perspective.

On 30 March 2010, Laurie Beachell participated in a CRTC video conference about the establishment of a CRTC Advisory Committee to address disability issues. During this meeting, CCD made its case for the adoption of access regulations that would prevent and remove barriers in the field of telecommunications.

Human Rights Committee Report

**Members:** Dean Richert, Anne Levesque, Jim Derksen, Pat Danforth, Peter Tongue, Gwen Brodsky, Frances Kelly, Ravi Malhotra.

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he CCD Human Rights Committee has been involved in several different types of activities during the past fiscal year. The Committee has undertaken test case litigation, promoted a better understanding of disability rights among the public and networked with the Canadian Human Rights Commission. This report provides an update on these activities.

**Test Case Litigation**

**Moore Case—**On 4-5 May 2009, CCD appeared in the BC Court of Appeal in the case of The Board of Trustees School Division No. 44 v. Frederick Moore on behalf of Jeffrey P. Moore and the BC Ministry of Education and the BC Human Rights Tribunal. The Moore case is important to the Canadian disability community because it is about ensuring that the legal duty to accommodate persons with disabilities is interpreted and applied in a manner that serves its remedial purpose. CCD shared with the Court its perspective on how to analyze cases in a way that provides the scope for legal remedies that make structures and services equally accessible to persons with and without disabilities. The Moore family launched this case because Jeffrey Moore, who has a learning disability, was not adequately accommodated in the school system.

CCD’s Counsel was Gwen Brodsky, Karey Brooks, and Yvonne Peters. Assisted by the CCD Human Rights Committee, Yvonne Peters and Dean Richert directed the development of the legal arguments that were presented in CCD’s intervention.

CCD continues to wait for a decision in this case.

**Hughes Case—**The Canadian Human Rights Tribunal agreed with Rev. Hughes that he had been discriminated against by Elections Canada when he went to cast his ballot on two different occasions at a downtown Toronto polling station and found no accessible entrance to the polling station. CCD was granted Interested Party status in this case. Ivana Petricone of ARCH was CCD's legal counsel in this case. CCD is now working with Elections Canada and Mr. Hughes and his law firm to assist Elections Canada improve the accessibility of Canada's voting practices. CCD is hopeful that this work will motivate Elections Canada to address access issues from a cross-disability perspective.

**Brown Case Sent Back to Canadian Human Rights Tribunal**—This fiscal year, Bob Brown's case against the National Capital Commission had another setback. Rather than taking a stand in support of the duty to accommodate people with disabilities, the Federal Court of Appeal sent the case back to a Canadian Human Rights Tribunal.

As you may recall, Bob Brown, an Ottawa wheelchair user, went to the Canadian Human Rights Commission, because the National Capital Commission built the York Street Steps (YSS) without appropriate accommodation for persons who do not use stairs. (The YSS link Mackenzie Avenue and Sussex Drive in Ottawa.) Rather than accommodating people who do not use stairs at the YSS, the National Capital Commission built an elevator at the Daly Street building 130 meters from the YSS. The Canadian Human Rights Tribunal ruled in Mr. Brown's favor, stating that the accommodation should be within 50 meters of either side of the steps.

However, rather than following the Tribunal's direction regarding how to ensure that people with disabilities experience full enjoyment of a public service, in this instance a thoroughfare connecting popular facilities in Ottawa, the National Capital Commission sought to avoid its human rights responsibilities by appealing the question to the courts.

For the disability community, the responses of the National Capital Commission and the Federal Court and the Federal Court of Appeal have been disappointing.

None of these bodies seem to have understood what was apparent to the Supreme Court of Canada when it decided the VIA Rail case. Number one: people with disabilities are members of the public and like other members of the public have a right to use services that are publicly available. Number two: when providers are developing new services they have an obligation to develop them in a manner that does not create new barriers for people with disabilities.

CCD intervened in this case when it was at the Federal Court but was refused intervener status by the Federal Court of Appeal. CCD will continue to monitor this case.

**Morton Case —** The CCD Human Rights Committee sought to intervene in the Morton case, which is a transportation case that was ruled upon by the Canadian Human Rights Tribunal in favor of a deaf-blind traveler who wanted to travel without an attendant because he deemed himself to be self-reliant. In this case, the CHRC’s authority to rule on a transportation case is being challenged.

From CCD’s perspective, there are important access to justice issues at stake here because it is important for people with disabilities to have access to the specialized human rights expertise of the CHRC in this type of case, which is about the dignity of a traveler with a disability who was seeking to travel by airplane. In light of these concerns, CCD sought to intervene in the case but its application to the court to be an intervener was denied. CCD continues to monitor this case.

**Caron Case —** Fighting a case in court is costly and CCD learned this lesson during its litigating against VIA Rail in support of accessible passenger trains. The Caron case focuses on the court's power to award interim costs while a case is in progress rather than waiting until its conclusion. An interim award provides a litigant with some of the resources it needs to present its case to the court.

CCD, working in coalition with other organizations (LEAF, Charter Committee on Poverty Issues and the Poverty and Human Rights Centre) is intervening in the Caron case. Committee member Anne Levesque represented CCD on the coalition's working group.

**Case Monitoring System —** The CCD Human Rights Committee is having a case monitoring system developed by Yvonne Peters, legal consultant to the Committee. The system will assist the Committee identify cases that it may want to proceed with as test cases.

**Building CCD's Litigation Capacity —** At the June 2009 Annual General Meeting, the CCD Council decided to allocate funding to the Legal Defense Fund to bring it up to $75,000. CCD draws upon this Fund for its legal interventions.

**Strengthening CCD's Working Relationship with the Canadian Human Rights Commission**

Several years ago, CCD undertook a review of the Canadian Human Rights Commission's (CHRC) new business model. As a result of this research, the CHRC and CCD began to meet regularly to share common concerns. In February, CCD's Human Rights Committee met with senior CHRC officials, including Jennifer Lynch, Chief Commissioner, Sandi Bell, Commissioner, and Karen Mosher, Secretary General. The CCD Human Rights Committee promoted to the Commission the viewpoint that the Commission should take a more proactive approach to addressing the discrimination being experienced by persons with disabilities. CCD suggested that the Commission begin with the following priorities: Aboriginal people with disabilities, federally sentenced prisoners with disabilities, access to new information and communication technology, transportation, the Convention on the Rights of Persons with Disabilities. The Committee recommended that the Commission publish special reports and explanatory memorandums that would explain how the VIA rail decision, for example, pertains to current issues, such as the accessibility of airport body scanners. CCD also recommended that the Chief Commissioner meet with various officials, such as Transport Canada officials responsible for body scanners and the Board of Directors of the Canadian Museum for Human Rights, to emphasize the message that it is no longer acceptable to create new barriers when delivering a service to Canadians. This is the message of the VIA Rail case.

In March, the CHRC held a meeting of experts and Pat Danforth, a member of CCD's Human Rights Committee, participated in this meeting. The Commission was seeking input on the critical issues facing people with disabilities in Canada. The Commission will be using this information as it works on developing a proactive response to selected disability issues.

**Promoting Human Rights in Canada**

The Canadian Human Rights Commission has been attacked in the Canadian media for its work on hate. Historically, due to the widespread discrimination faced by the members of the disability community, people with disabilities use Commission services more frequently than any other group. Many people with disabilities have had their circumstances improved through decisions rendered by the Canadian Human Rights Tribunal and by settlements reached through mediation undertaken by the Commission. This year, CCD wrote to all Members of Parliament to share with them the value of the Canadian human rights system. Representatives of the Commission have publicly acknowledged CCD's support.

On 16 April 2009, Yvonne Peters, the CCD Human Rights Committee's legal consultant, made a presentation on the Convention on the Rights of Persons with Disabilities (CRPD) at LEAF Manitoba’s Equality Day Celebration. Yvonne’s presentation provided an opportunity for members of Manitoba’s women’s and legal communities to learn more about the CRPD.

**CCD Award 2009/2010**

**BCCPD — Jeanette Andersen**

**ACCD — Hilda Campbell**

**Lorrie Goegan**

**SK Voice — Margie Bort**

**MLPD — Daniel Halechko**

**COPHAN — Marc-Andrè Burelle-Favron**

**NS-LEO — Steven Estey**

**PEI Council — Bernie Wilson**

**COD — John Collins**

**CAD — Martin Bergevin**

**DAWN/RAFH Canada — Dr. Michelle Owen**

**NEADS — Mahadeo Sukhai**

**Jennifer Dillon**

**TVAC — Terry Vachon (Mrs.)**

**CWD–O — Terrance Green**

**AEBC — Irene Lambert**

**Financial Statements**













