

Convention on the Rights of Persons with Disabilities: A Launch Pad for Action

By Council of Canadians with Disabilities (CCD)

On 11 March 2010, Canadians with disabilities celebrated Canada's ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The Hon. Lawrence Cannon, Canada's Minister of Foreign Affairs, presented UN Secretary-General Ban Ki-moon Canada's ratification documents. On hand at the United Nations for this historic event were representatives of the disability

community Steve Estey (CCD), Traci Walters (IL Canada), Bendina Miller (Canadian Association for Community Living (CACL) and Anna MacQuarrie (CACL).

The CRPD, an international human rights law, upholds:

- the equal protection and equal benefit before the law for 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 establishes opportunities for advancing disability rights in Canada and, in this article, CCD explains how the CRPD will help advance our agenda. Of course, these opportunities will not be realized without the disability community's involvement and CCD will be working for a robust implementation of the CRPD.

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Increased Political Profile

The CRPD requires States to create a framework for addressing the country's 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's Chairperson Marie White 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 reposition disability rights on the political agenda. CCD will be seeking discussions with government on the development of an implementation plan and creation of a monitoring and reporting process.

Law Reform

Once the CRPD is ratified, it becomes a set of minimum

standards that countries are obliged to meet over time. In Canada, both the federal and provincial governments will need to reform laws and practices that do not meet the demands of the CRPD. For example, campaigners against institutionalization hope the CRPD's support for community living will hasten the closure of institutions in Canada. "The CRPD is a tremendous step forward, because it creates a substantive framework for improving the status of Canadians with disabilities and it will be the focus of our work for many years to come," said Marie White, CCD Chairperson.

The CRPD recognizes the important role of the organizations of people with disabilities in policy development and reform. Article 4.3 calls for active consultation with persons with disabilities through their representative organizations. The CRPD emphasizes that there are two engines to propel law reform forward: the government focal points called for in Article 33 and the representative voice of people with disabilities (Article 4.3). "While we have been taking time to celebrate that Canada has come on board as a CRPD ratifier, soon we will be knocking on government doors seeking a collaborative dialogue on how Canada will implement the CRPD," said Marie White.

International Engagement

As a country that has ratified the CRPD, Canada will participate in the conferences of States Parties and the meetings of CRPD experts to review progress. At these meetings, Canada will contribute to the development of disability rights jurisprudence. Canada is an international leader on disability issues and participation in these fora will enhance our national reputation.

Attitude Change

Through the CRPD, the global community recognized the equality of people with disabilities and rejected the medical model approach to disability. It adopted a human rights approach to disability issues and acknowledged that barriers are socially created. In the hands of the disability community, as well as governments, the CRPD will be an important tool for educating mainstream society about both the barriers faced by Canadians with disabilities and the human rights approach to removing barriers.

Community Mobilization

The CRPD presents a unique opportunity to stimulate increased activity on disability issues by both people with disabilities and the general public. Other international events have been a catalyst for action on disability issues. In 1981, the International Year of Disabled Persons (IYDP) galvanized people with disabilities and their organizations to partner with governments, community organizations and people without disabilities to remove barriers. (The availability of federal funding for community IYDP projects contributed greatly to the 1981 experience.) The CRPD could serve as a stimulus package for barrier removal in Canada.

An Invitation to Build an Inclusive and Accessible Canada

CCD celebrates Canada's ratification of the CRPD. We are eager to begin implementation of its goals. We encourage all Canadians to join us in undertaking initiatives that will make Canada an accessible and inclusive country that fulfills the promise of the CRPD.

To find out more about the UN Convention on the Rights of Persons with Disabilities go to UN Enable - Promoting the Rights of Persons with Disabilities at <http://www.un.org/disabilities/>. Also visit www.ccdonline.ca or www.ilcanada.ca.

In the News

Canada Ratification Convention on the Rights of Persons with Disabilities – New York, USA

One of the most memorable events I almost missed!

By Traci Walters

While attending the federal government Human Resources and Skills Development Canada (HRSDC) – Active Living Alliance, Accessibility Showcase in Vancouver, I received an email from HRSDC inviting me to attend a press conference at the United Nations in less than 48 hours. Lawrence Cannon, the Minister of Foreign Affairs, was hopefully going to announce Canada's ratification of the Convention in less than two days if they received letters confirming a "go ahead" from two provinces that had yet to do so. The government was hopeful.

Immediately, I told our Chairperson of Independent Living Canada's Board of Directors, Kelly Nadeau, and two of the Board members who happened to be at the Accessibility Showcase with me – Jim Harnden and Rick Goodfellow.

At that moment, everything was tentative, very exciting, but very last minute. What a wonderful opportunity! The Council of Canadians with Disabilities (CCD) and the Canadian Association for

Community Living (CACL); the two main disability groups responsible for Canada's participation in the development of this international treaty, were invited also. It was advised that although hopeful, we could not finalize our travel until we received confirmation. The government representative emailed me and informed me that a flight was available the following morning from Vancouver to New York. I was told to check my emails first thing in the morning to get confirmation of travel.

As I was falling asleep that night, it suddenly dawned on me that I didn't have my passport with me. I got back on the internet, searched for another flight option where I could fly back to Ottawa, have my son bring my passport to the Ottawa airport, and then fly on to New York. There was one flight that I could take that would work out. Best laid plans.

The following morning I woke by 6:00 a.m. BC time, checked my emails and everything was confirmed. I proceeded to throw my things together and left a huge amount of IL Canada promotional

material with Jim Harnden and Diane Wood, to package up and ship back to the IL Canada Ottawa office.

I hopped on my scooter and raced off to the airport. I boarded and sat back in my seat with my coffee, all excited that everything was working out, or so I thought. Best laid plans.

After about 45 minutes in the air, the pilot made an announcement that we were turning around and going back to the Vancouver airport. We were going to have to make an emergency landing – the flap on one wing was broken – just what my nerves needed that morning!

Before sheer panic began to set in, the passenger next to me could obviously see my face turn white. He explained that he was an air traffic controller and that this situation had no need for alarm. Apparently, it happens more often than we realize. He asked me not to be distressed and told me to look out the window to observe all the emergency crew and vehicles right outside lined up for action.

Well, gulp, we landed – we survived, and all before 10:00 a.m. Next announcement, mechanics will have to inspect the plane to see if the aircraft could be fixed or if we needed to find another plane.

I returned to panic mode again, knowing that I had a very small window of time to meet my son at the airport, pick up my passport and make the next plane to New York from Ottawa. Thank goodness for text messaging. I was keeping the office, HRSDC and my son posted that in about another 1 ½ hours we would be heading for Ottawa. All my muscles tightened both from nervousness and from being cramped in one position, not to mention the chronic pain from my disability.

We finally arrived in Ottawa and there were no other flights to New York until the morning, so I decided to stay overnight at a hotel compliments of Air Canada, and take my chances on catching an early morning flight. Thoroughly discouraged at this point, fed up and disappointed, I was convinced that my participation in a once-in-a-lifetime opportunity was an impossibility. However, I discovered there was a 6:00 a.m. flight to New York! It was to arrive at 7:40 a.m. and I had less than a half hour to meet the representatives from CCD & CACL.

I stayed overnight in Ottawa near the airport, and had about 3 hours of sleep that night. I had to leave the Ottawa hotel at 4:00 a.m. for the international flight leaving at 6:00 a.m.



Bendina Miller (CACL);
Traci Walters; Minister Cannon;
Anna MacQuarrie (CACL);
Steve Estey (CCD)

Now in pain, suffering from lack of sleep, stressed out, nervous and exhausted, I was still hoping that everything would work out. I managed to find myself a front row seat on the airplane, hoping to have my scooter delivered at the gate so I could speed through the airport like a crazed woman on a mission.

With my track record of the day before, I expected everything to go wrong and miss the press conference. Worst laid plans.

As the plane landed in New York, I asked the flight attendant how long it would take me to get a taxi and drive to the United Nations on Manhattan Island. Suddenly, a distinguished looking gentleman across the aisle asked me if I was Ms. Walters. Lo and behold it was

the Minister of Foreign Affairs, Lawrence Cannon, and he put everything together and figured that I was one of the invited guests. He told me not to worry, that he wouldn't start without me.

Needless to say, that I made it in time. What an ordeal!

Prior to the Press conference, the group of disability leaders invited: Steve Estey (CCD), Anna MacQuarrie and Bendina Miller (CACL) and I, were escorted through numerous corridors with lots of security guards, and not quite sure where we were going. Before we knew it we found ourselves in a stately room. Within minutes we were shaking hands with the Secretary General, Ban Ki-Moon, as Minister Lawrence Cannon introduced us and hand-delivered the paper announcing Canada's ratification of the United Nations Convention on the Rights of Persons with Disabilities.

It was a done deal – signed, sealed and hand-delivered. A press conference followed; however, it had to be moved at the last minute to be in an accessible location. Immediately, I thought to myself that the United Nations will need to make some changes to the usual press conference facility in order to make it accessible.

All this to say that this was a lovely way to leave my position as National Director which I held for 16 years – representing Independent Living Canada at the United

Nations, the day that Canada ratified the Convention. A wonderful exclamation mark at the end of my career as the National Director – now retired!

Immigration Laws Discriminate Against People with Disabilities

David Barlagne moved from France to Canada with his wife and two daughters in 2005 to open a new software business. The family was in Canada on a work visa. After starting his business and watching it thrive, Barlagne and his family applied for permanent residency in 2008. In March 2009 Barlagne found out that while he, his wife and his older daughter had been accepted, his youngest daughter was refused permanent residency on the grounds that she was “medically inadmissible; Barlagne’s daughter Rachel has cerebral palsy. Immigration officials claimed that the cost of managing Rachel’s disability could pose an “excessive burden” on health and/or social services.

According to a 2005 Supreme Court of Canada decision, immigrants with disabilities must be allowed to stay in Canada if their families can prove that they have adequate financial means to support the family member with a disability. Barlagne

submitted documentation in an attempt to prove that his family could afford to pay the annual costs of Rachel’s speech and physical therapy. It was roughly \$5300, but Immigration deemed the documentation insufficient to prove that adequate funds were available.

Barlagne sought a judicial review from a Federal Court Judge on 23 February 2010. Judge Johanne Gauthier reserved decision about whether Immigration Canada should re-open the Barlagne family’s file, saying that she will release her decision in a few weeks. Barlagne is considering making an appeal on humanitarian grounds directly to Immigration Minister Kenney’s office.

It will be interesting to see if the Government of Canada can continue to practice this type of systemic discrimination policy now that we have signed the new Convention on the Rights of Persons with Disabilities.

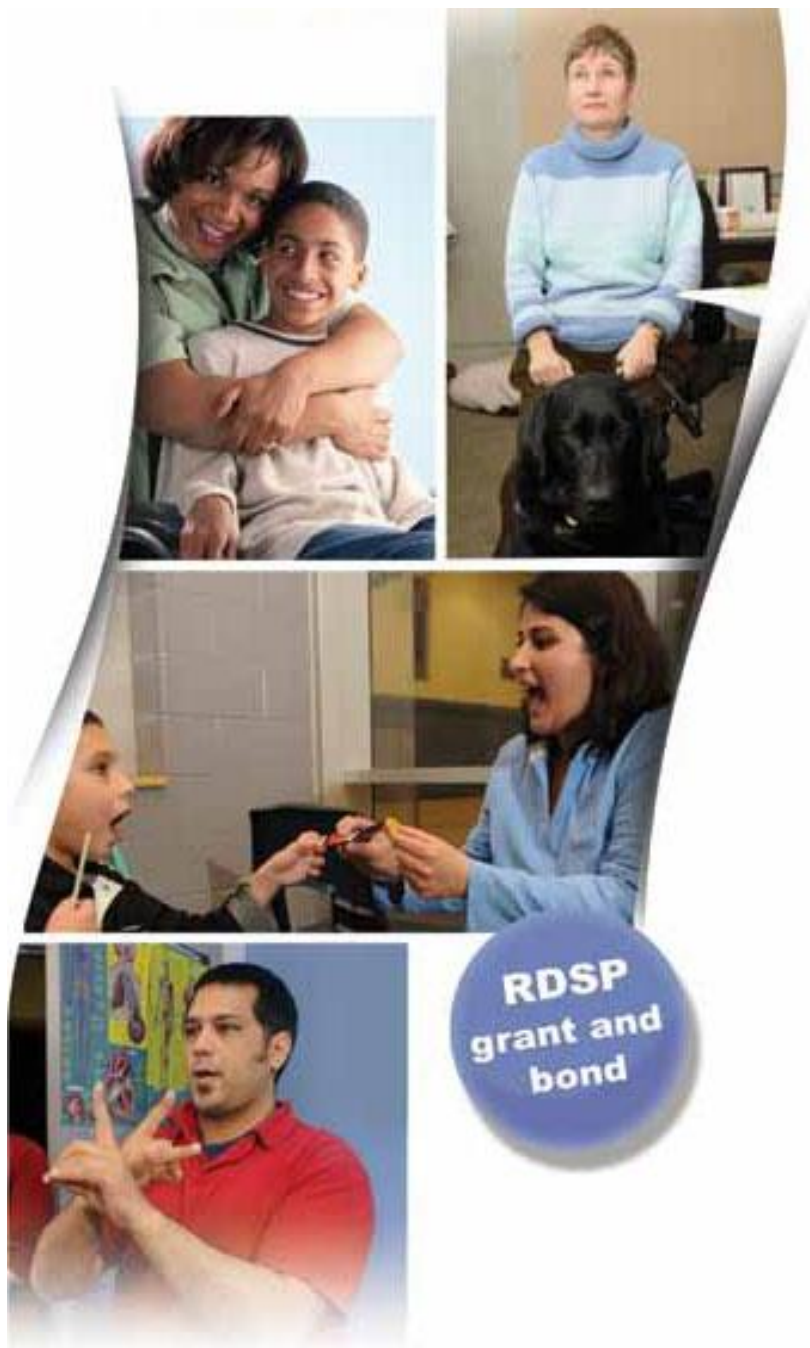
IL Canada Projects

Learn about the Government of Canada's New Registered Disability Savings Plan Program at the Independent Living Centre

Centres Now Offering Information Sessions and One-on-One Support

Independent Living Canada, the Independent Living Centres in Newfoundland, Nova Scotia, Quebec, Ontario, Alberta and British Columbia are delighted to have been awarded contracts to offer the Registered Disability Savings Plan (RDSP) Outreach Initiative to persons with disabilities and their families. Independent Living Centres are providing a series of information sessions and one-on-one support to help individuals learn about and understand the RDSP program, the benefits of long term savings and how to access the generous grants and bonds offered by the Government of Canada.

The Registered Disability Savings Plan helps Canadians with disabilities and their families save for the future. If you are a Canadian resident under



age 60 and are eligible for the Disability Tax Credit, you are eligible for an RDSP. Earnings accumulate tax-free, until you take money out of your RDSP. Parents or guardians may open an RDSP for a minor. With written permission from the holder, anyone can contribute to the RDSP. The Registered Disability Savings Plan is now available to help people with disabilities and their families save for the future.

To help you save, the Government will contribute Canada Disability Savings Grants of up to \$3,500 a year depending on the amount of your contributions. The Government will also pay a Canada Disability Savings Bond of up to \$1,000 a year, for up to 20 years, into the RDSPs of low-income and modest-income Canadians. No contributions are necessary to receive the bond. Earnings accumulate tax-free until money is taken out of the RDSP. People with disabilities must be 49 years old or under in order to receive grants and/or bonds.

You may be eligible to receive government grants and bonds totally a maximum of \$90,000! This money will earn interest over time and can be used for additional income assistance and for disability supports that you or your children may need in the future. You get to decide how the money is used!

This new program is a win/win for people with disabilities and their families and you don't have to worry - provincial disability support programs do not penalize individuals with RDSP accounts. Learn more about this exciting new government program by attending an information sessions and/or receiving one-on-one assistance offered through your local Independent Living Centre. For more information, please call or visit your Independent Living Centre.

We are delivering information sessions across the country in both official languages. Contact IL Canada to find a location near you.

Funding for these information sessions is provided by the Government of Canada.

Canada 

Impact: Changing the Way We View Disability: The History, Perspective, and Vision of the Independent Living Movement in Canada

By Susan Forster

We are extremely proud to announce the publication of *Impact: Changing the Way We View Disability*. In fact, we are publishing two books; the French title is *Impact : Voir au-delà du handicap*. As the rest of the title indicates, this book provides a comprehensive history of the Independent Living (IL) movement in Canada, it explores the impact and influence of IL in Canada, and it reflects on the issues facing the movement now and in the future. Of particular interest, not only is there documented research, there are interviews with IL pioneers and leaders, and with people with disabilities who use IL Centre programs and supports.

In the words of Traci Walters, National Director, Independent Living Canada (1993 – 2010): “I believe this book has captured the evolution and essence of the Canadian Independent Living Movement while revealing its impacts on individuals and the community at large.” ... “More and more, society is transforming and Canadians are on the cusp of recognizing that persons with disabilities want to contribute to all aspects of society and that society is better off for it.

To find out how you can order copies of the book (in English and/or in French) contact Gilbert Brunette at liaison@ilc-vac.ca or call (613) 563-2581. Funding for this initiative was provided by the Social Development Partnership Program, HRSDC.



In Memory of...

Holly Elizabeth Bartlett



IL Canada and the disability community lost a spirited and intelligent young woman with the passing of Holly Bartlett (31). Holly served on the Board of Directors for Independent Living Nova Scotia, and she was recently appointed to the IL Canada Board of Directors as the provincial representative for Nova Scotia. Employed with the Department of Community Services, Holly also had many academic achievements, including graduating from St. Francis Xavier University in 2002 (with honors) and studying at Dalhousie University in the Master of Public Administration program. Always 'on the go' Holly lived life fully; she enjoyed swing dancing, rock climbing and sky-diving. In the words of Lois Miller, Executive Director of the Nova Scotia IL Centre, "A little bright candle has been snuffed out."

To see Holly in a video in which she candidly spoke about living with vision loss and how she lived her life go to

<http://www.youtube.com/watch?v=6tTNzpZloxl>

Bonnie Smith



We have fond memories at IL Canada of Bonnie who sat on the national Board of Directors from 2007-2009, with her guide dog (Ava) at her side.

Former psychologist, teacher, Brownie leader, Girl Guide Commissioner, and Cub Leader, Bonnie was always interested in individual differences and learning disabilities, as Bonnie's BA, BEd and MA demonstrated.

During the Board of Director meetings, we appreciated Bonnie's words of wisdom and we could depend on her for great ideas when challenging decisions needed to be made.

IL Canada Staff

IL Canada Welcomes New Financial Officer

Francine Charbonneau is happily married with two very active children, Michel 14 and Isabelle 6. Francine comes to ILC having held various accounting roles in the last 15 years for organizations in the construction and insurance industry. She has worked for Associations: Finance Officer for the Canadian Council on Social Development and Office Manager

for the Canadian Association of Second Language Teachers. Francine has also taken on the role of self-entrepreneur, having a dairy delivery business with her husband. In her spare time she enjoys swimming with her kids, reading, politics, gardening, home-improvements and long walks with her big Lab/Newfoundlander dog Bear.

Social Policy and Research Corner

Bill C-56: Employment Insurance Measure for Self-Employed People

If you are self-employed you may now be eligible for the Special Benefits available under the Employment Insurance (EI) program.

Who is eligible?

You may be eligible if you are a Canadian citizen or permanent resident AND you are self-employed. The definition of self-employed is available on the Bill C-56 FAQ page:

www.servicecanada.gc.ca/eng/sc/ei/faq_self_employed_workers.shtml

How does it work?

1. Self-employed persons must enter into an agreement with the Canada Employment Insurance Commission (CEIC). This agreement is your expression of interest in the program and your willingness to pay EI premiums. You can enter into this agreement online or in person at a Service Canada Centre in your area. A searchable directory of Service Canada Centres is available here:

www.servicecanada.gc.ca/cgi-bin/hr-search.cgi?app=hme&ln=eng

2. You are given 60 days to reconsider your decision.
3. After that your enrolment in the program is confirmed and participation continues until you withdraw (see the Bill C-56 FAQ page for rules around withdrawing).

What EI benefits can I receive?

If you choose to participate in the EI Measure for Self-Employed People you will pay premiums to be eligible for four* benefits:

- Maternity benefits: paid for a maximum of 15 weeks to birth mothers surrounding the period of the birth of a child
- Parental benefits: paid for a maximum of 35 weeks to parents caring for their newborn or newly adopted child. Either parent in a two-parent household access the benefits, or parents can choose to share the benefits.
- Sickness benefits: paid for a maximum of 15 weeks to those who are unable to work due to sickness, injury or quarantine
- Compassionate Care benefits: paid for a maximum of 6 weeks to those who must stop working to support or care for a critically ill family member

* Self-employed residents of Quebec already have access to maternity and parental benefits through the Quebec Parental Insurance Plan. If self-employed Quebecers choose to participate in the new EI Measure they will be eligible to make claims for Sickness and Compassionate Care benefits only.

When am I eligible to make a claim?

You can make a claim twelve (12) months after you enter into an agreement with the CEIC.

Early Bird Advantage: If you enter into an agreement with CEIC on or before 01 April 2010 the waiting period is reduced and you may be able to claim benefits as early as January 2011.

How do I get more information?

Visit

www.servicecanada.gc.ca/eng/sc/ei/self_employed_workers.shtml

HRSDC also has a Fact Sheet available here:

http://www.hrsdc.gc.ca/eng/employment/ei/Fact_sheet_C56.shtml

Links, Tools & Resources

Announcing Independent Living Canada's new Food for Thought Community Action Kit (now available in French and English)

This resource was created by Independent Living Canada (IL Canada) as part of Food for Thought: A Pan-Canadian Initiative Addressing the Healthy Eating Goals of Persons with Disabilities. The goal of this guide is to share information on the participatory action research, tools developed and lessons learned on healthy eating as a person with a disability. This guide includes tips for meal preparation for people with various types of disabilities, risks factors associated with unhealthy eating, shopping and budgeting tips, issues and strategies on how to use food as a mechanism to reduce isolation and much more.

This handbook is intended for a variety of audiences including food security agencies, Independent Living Centres, community partners and persons with disabilities. Inside you will find background information on the project as well as tools and resources for communities. In this book are various workshops developed and tested by the eight pilot sites and resources for consumers to use in daily activities. IL Canada is also pleased to share

some lessons learned on partnership building, a key component of a successful community initiative.

We would like to thank the members of the Food for Thought Advisory Committee. These include our national partners, Active Living Alliance for Canadians with a Disability, Dieticians of Canada, and Santropol Roulant, as well as the eight pilot sites at the following IL Centres:

- Cowichan Independent Living (Duncan, BC)
- Independent Living Centre of Calgary (Calgary, AB)
- Le Phénix (Alfred, ON)
- Independent Living Centre Kingston (Kingston, ON)
- Niagara Centre for Independent Living (St. Catharines, ON)
- Montreal Metropolitan Independent Living Resource Centre (Montreal, QC)

- Vie Autonome péninsule acadienne, inc. (Shippagan, NB)
- Independent Living Nova Scotia Association (Halifax, NS)

IL Canada gratefully acknowledges the project funding provided by the Physical Activity and Healthy Eating Contribution Program – Centre for Health Promotion, Public Health Agency of Canada (PHAC). This project and the resulting resources would not have been possible without the financial support from PHAC.

Finally, a word of gratitude to the many consumers across the country who participated in the pilot sites;

their involvement, feedback and enthusiasm enabled us all to learn and share with others! We would also like to express our thanks to the two project managers for the initiative – Christine Malone and Amy Grumberg.

This healthy eating initiative was one of the most popular national projects ever delivered with the IL Centres. Many Centres have implemented ongoing healthy eating and healthy lifestyle programs as a result of this participatory action initiative. You can order a copy by calling IL Canada or by sending an email to info@ilc-vac.ca.

Upcoming Events



Forum 2010

Circle of Awareness, Cycle of Growth

Mark the Date!

November 23-25, 2010

Winnipeg

The Canadian Human Rights Commission

<http://www.cspc-efpc.gc.ca/dpf-fpd/index-eng.asp>

IL Canada's Annual General Meeting

November 24 - 27, Ottawa

IL Canada's Annual United Nation's International Day of Persons with Disabilities Ottawa Event

November 25, Ottawa



OPINIONS EXPRESSED ARE THOSE OF THE CONTRIBUTORS
AND DO NOT NECESSARILY REFLECT THE VIEWS OF
INDEPENDENT LIVING CANADA

We would like to thank Human Resources and Skills
Development Canada (HRSDC) for making this newsletter possible through
their ongoing financial support to IL Canada and our IL Centres.
Without them, this type of citizenship engagement would not be possible.

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Alternate formats available upon request

The Perspective: The National Independent Living News Bulletin
