



Government of Canada
 Permanent Mission of Canada
 to the United Nations and the
 World Trade Organization

Gouvernement du Canada
 Mission permanente du Canada
 auprès des Nations Unies et de
 l'Organisation mondiale du commerce

OHCHR REGISTRY

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Recipients : *A. Zarraluqui*

Note No.: YTGR0460

Reference: GVA 0539

Request for Information: Human Rights of persons with Disabilities..

The Permanent Mission of Canada to the Office of the United Nations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the note verbale numbered GVA 0539, requesting information regarding the Human Rights of persons with Disabilities.

The Mission of Canada has the honour to submit to the Office of the United Nations High Commissioner for Human Rights the attached document containing Canada's response.

The Permanent Mission of Canada avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 August 2008.



Canada

Office of the UN High Commissioner for Human Rights
United Nations
Palais des Nations
CH-1211 Geneve 10
Suisse

22 July 2008

Subject: Human Rights Council resolution 7/9 – “human rights of persons with disabilities”

The Government of Canada presents its compliments to the Office of the United Nations High Commissioner for Human Rights.

Canada is pleased to share the following information about the measures it is taking towards ratification and implementation of the *Convention on the Rights of Persons with Disabilities*. Canada is proud to have played an active role in developing the Convention and to have been among the first countries to sign it in March 2007. Canada's signature of the Convention was a signal of our strong commitment to ensuring the rights of people with disabilities.

Canada is currently taking steps with a view to the eventual ratification of the Convention. According to Canadian law, ratification of an international treaty such as the Convention does not automatically make it part of the domestic law of Canada. Rather, Canada must take steps to implement it in domestic law and policy. This may be done, for example, by passing laws that incorporate the international obligations into a domestic statute or by relying on similar provisions in existing laws and policies.

The Convention, like most human rights treaties, pertains to matters under provincial jurisdiction in addition to federal jurisdiction. Although the federal government has authority to enter into international treaties, the federal government cannot legislate to implement treaties in areas that would otherwise fall within provincial jurisdiction. Thus, prior to ratification, all levels of government must review their respective laws, policies and programs in light of the Convention's obligations to identify whether there are any gaps in implementation or any inconsistencies with the Convention. Where gaps or inconsistencies exist, measures to address them must be identified. This review process is currently underway. In addition, consultations prior to ratification are anticipated with Aboriginal governments to which the federal government owes a duty to consult and with NGOs.

That said, the core obligation in the Convention is to promote and ensure the right to equality and non-discrimination of persons with disabilities, including the duty to provide reasonable accommodation. All jurisdictions in Canada currently have in place strong equality rights protections for persons with disabilities, entrenched in s. 15 of the *Canadian Charter of Rights and Freedoms*. The *Charter* applies to all federal, provincial and territorial government action, including legislation, policies, programs and

agreements. Section 15(1) of the *Charter* guarantees the right of individuals to equality before and under the law and to equal protection and equal benefit of the law without discrimination on a non-exhaustive list of prohibited grounds, which includes physical or mental disability. In addition, human rights acts at the federal, provincial and territorial level provide additional equality and non-discrimination protections that are largely consistent with the way these rights are defined in the Convention.

Canada is not considering signature and ratification of the Optional Protocol at this time.

Canada avails itself of this opportunity to renew the assurances of its highest consideration to the Office of the United Nations High Commissioner for Human Rights.