

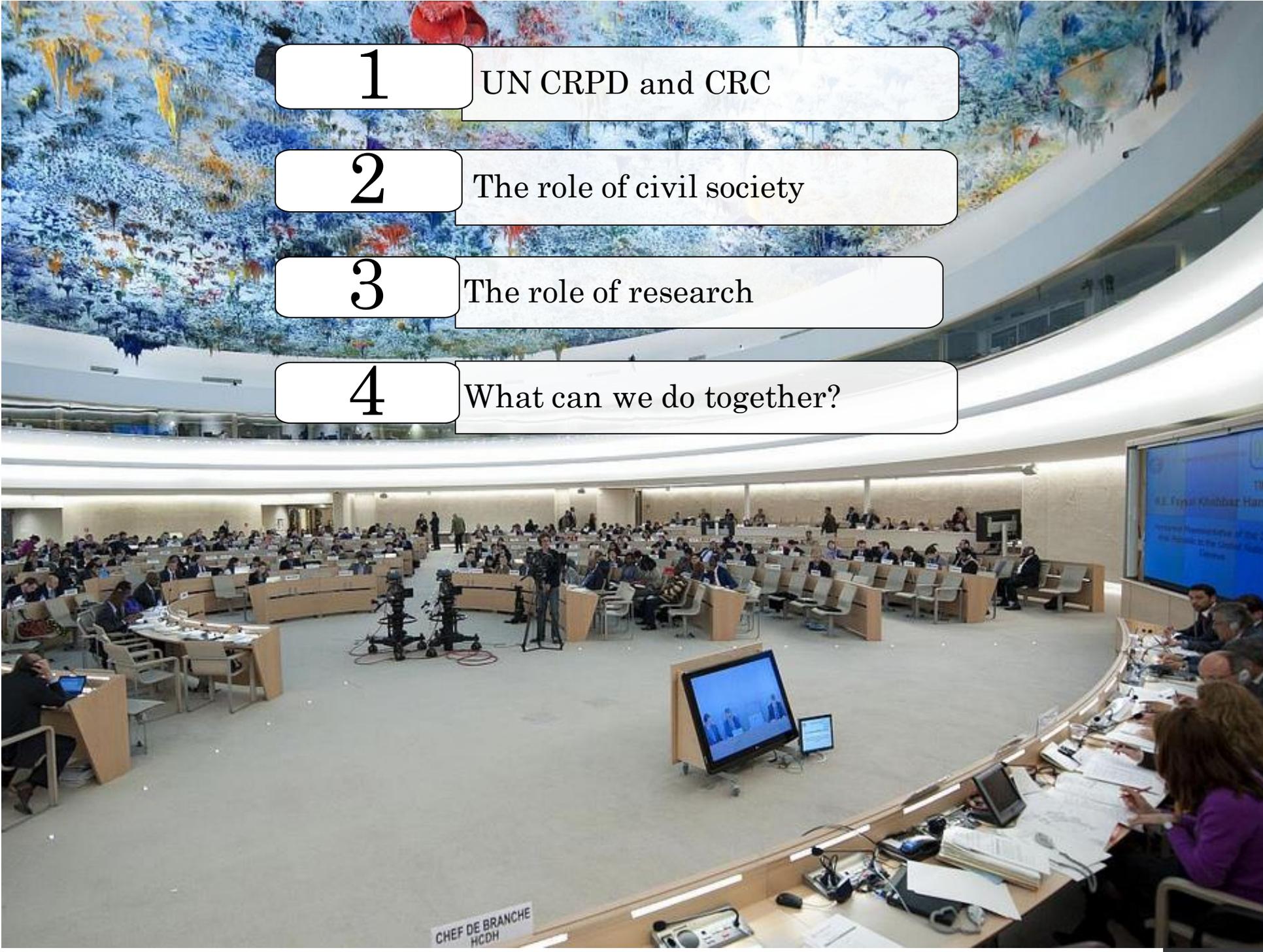
Children with Disabilities and Human Rights

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A large, modern conference room with a curved desk and a large mural on the ceiling. The room is filled with people seated at desks, and there are several cameras and microphones in the center. A large screen on the right side of the room displays a presentation. The ceiling is covered in a colorful, abstract mural. The room is well-lit and has a professional atmosphere.

1

UN CRPD and CRC

2

The role of civil society

3

The role of research

4

What can we do together?

CHEF DE BRANCHE
HCDH

The UN Convention on the Rights of the Child

- Adopted in 1989, and entered into force in 1990
- Goal: creating a new world for children



Our Rights

In 1989, governments across the world promised all children the same rights by adopting the UN Convention on the Rights of the Child. The Convention says what countries must do so that all children grow as healthy as possible, can learn at school, are protected, have their views listened to, and are treated fairly.

These are our rights.



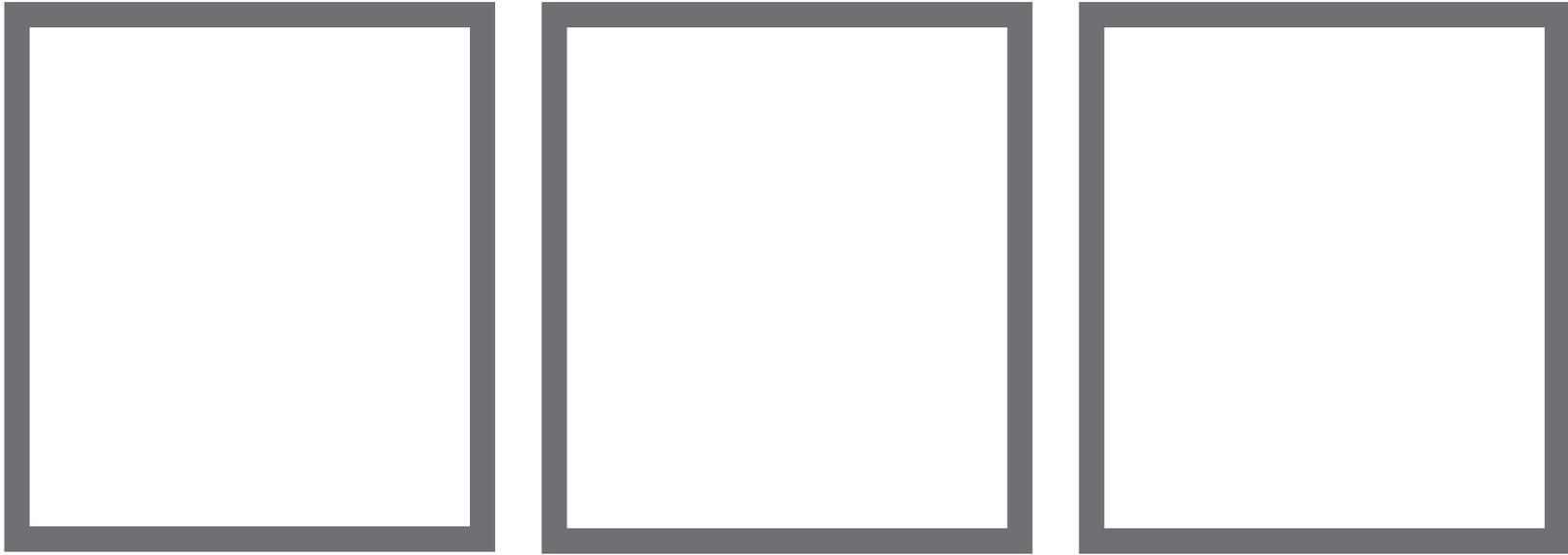
The UN Convention on the Rights of the Child

- 54 articles
- Article 23:

Children with
disabilities

1. States Parties recognize that a **mentally or physically disabled child** should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.





The UN Convention on the Rights of Persons with Disabilities

- Adopted in 2006; entered into force in 2007
- Highly participative
- Canada: ratified in 2010

Article 7 – Children with disabilities

- 1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
- 2. In all actions concerning children with disabilities, **the best interests of the child** shall be a primary consideration.
- 3. States Parties shall ensure that children with disabilities have the right to **express their views freely** on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an **equal basis with other children**, and to be provided with disability and age-appropriate assistance to realize that right.

Figure 1 - Link between the SDGs and the CRPD



United Nations

Convention on the Rights of the child

1989

- Article 31: right of the child to rest, leisure, play, recreational activities, cultural life and the arts

Convention on the Rights of Persons with Disabilities

2006

- Article 30: right to participate in cultural life, recreation, leisure and sports

Are Canadian children healthy?

CHILD WELL-BEING IN RICH COUNTRIES: A COMPARATIVE OVERVIEW

Canada achieves a middle-level ranking in its scores for:

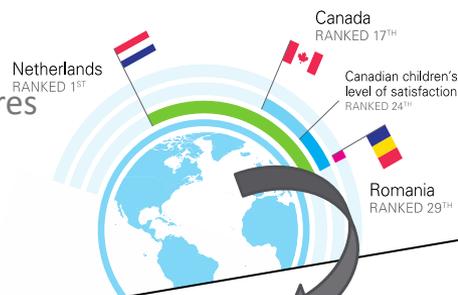
Material Well-being (15 out of 29)

Education (14 out of 29)

Behaviours and Risks (16 out of 29)

Housing and Environment (11 out of 29)

Most concerning is that Canada ranks as low as 27 of the countries.



Health means feeling happy

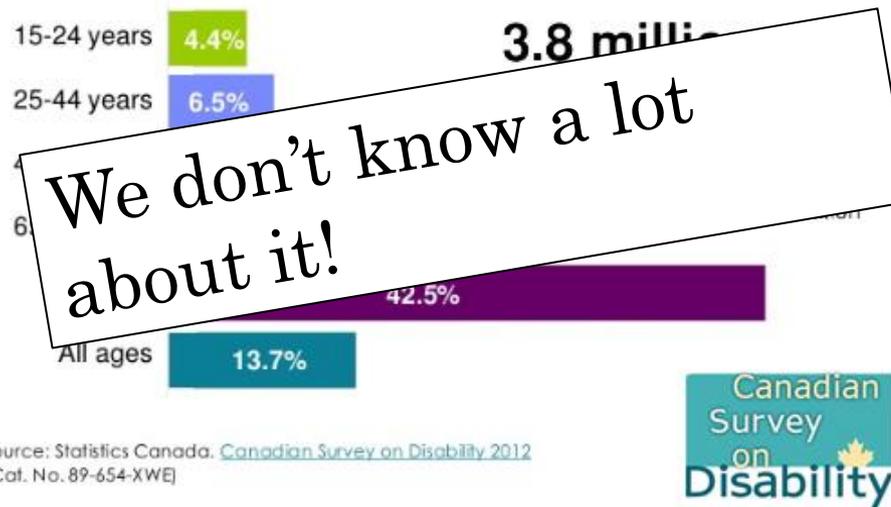


Canada's children are among the unhappiest

Canada's ranking drops by seven places to 24 of 29 countries when children's views of their life satisfaction are taken into account. In the league table of children's relationships with parents and peers, Canada's ranking is also very low, at 25 of 28 industrialized countries.

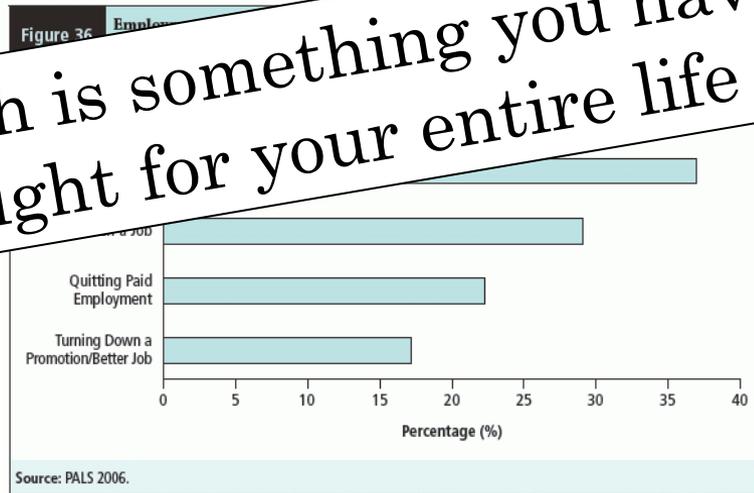
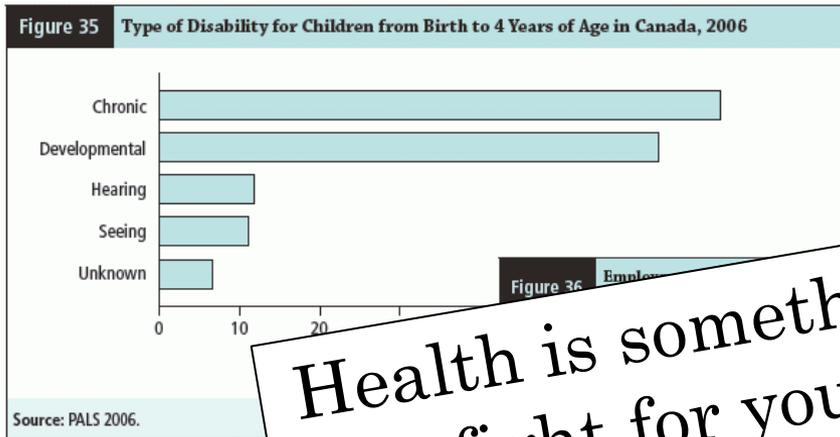
How is the health of Canadian children with disabilities?

3.8 million Canadians with disabilities



- Over 200,000 children and youth < 15 years old

Children with disabilities in Canada

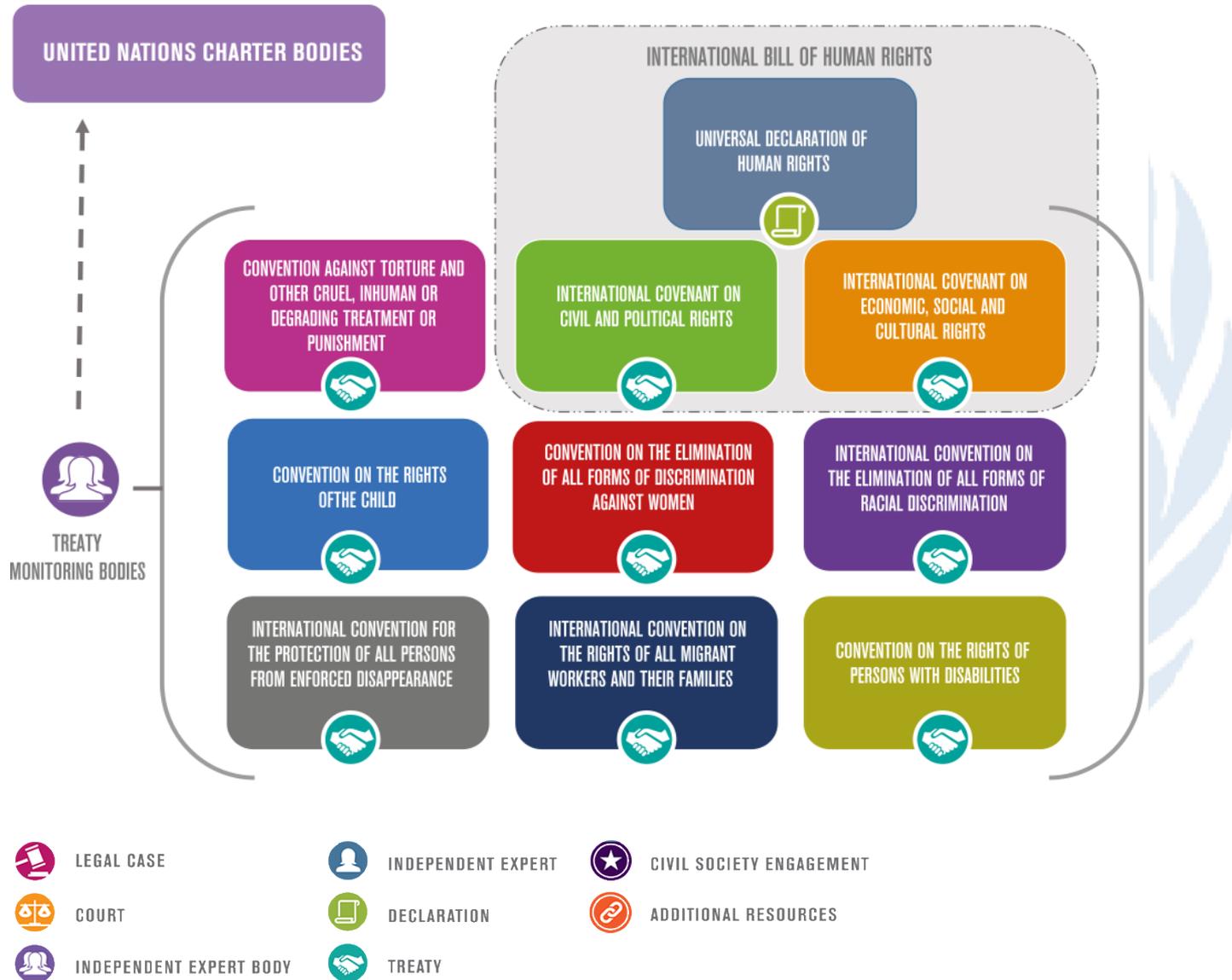


Health is something you have to fight for your entire life



Leveling the playing field

INTRODUCTION TO THE UNITED NATIONS HUMAN RIGHTS TREATIES



HOW CAN PARENTS AND YOUTH ENGAGE IN THE HUMAN RIGHTS CONVENTIONS REPORTING & MONITORING?

CONSIDER ISSUES TO BE INCLUDED IN THE REPORT

Start by learning about the landscape of children's rights and disabilities in Canada:



Canadian Human Rights Commission



Council of Canadians with Disabilities



Canadian Coalition for the Rights of Children

Learn more about some of the organizations who have helped develop the latest CRPD LOIPR:



ARCH Disability Law Centre



BC Aboriginal Network on Disability



Participation and Knowledge Translation Lab



Canadian Association For Community Living

Click on above organizations to learn more

CONTRIBUTE TO SHADOW REPORTING



Work with civil society organizations, researchers and citizens to address advances and gaps on implementation of the convention through lived experiences and data



CONTINUE THE CONVERSATION FOLLOWING RECOMMENDATIONS FROM THE REPORT



Be a knowledge broker by looking for accessible versions of reports and sending them to members of Parliament and members of the Legislative Assembly

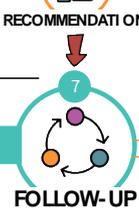


Hold leadership accountable for reading reports and listening to parents' voices by following up



Participate in surveys and public consultations held by the Canadian Human Rights Commission and CHILD-BRIGHT Policy Hub

REPORTING STRUCTURE



DEFINITIONS

Committee	Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
LOIPR	List of Issues Prior to Reporting
State party	Countries that are a signatory for the convention

UN Committee sends LOIPR to State party

Status	
CRC	CRPD
Jul 2018	Sept 2019

Replies to the LOIPR to be included in State party report

Status	
CRC	CRPD
Mar 2020	Jan 2019

Dialogue between UN Committee [CRPD/CRC] and State party delegations

Status	
CRC	CRPD
June 1-5, 2020	Stay tuned!

UN Committee issues concluding observations on reports (recommended actions)

Status	
CRC	CRPD
Summer 2020	Stay tuned!

Implementation and monitoring of UN Committee's recommendations

Status	
CRC	CRPD
Stay tuned!	Stay tuned!

Engaging the childhood disability community in the reporting process

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Canada*

I. Introduction

1. The Committee considered the initial report of Canada (CRPD/C/CAN/1) at its 318th and 319th meetings (see CRPD/C/SR.318 and 319), held on 3 and 4 April 2017. It adopted the present concluding observations at its 328th meeting, held on 10 April 2017.
2. The Committee welcomes the initial report of the State party, which was prepared in accordance with the Committee's reporting guidelines. It also appreciates the State party's written replies (CRPD/C/CAN/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/CAN/Q/1).
3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its high-level delegation, headed by the Senior Assistant Deputy Minister, Income Security and Social Development Branch, Employment and Social Development Canada, Kathryn McDade, which included delegates from various departments and agencies of the Government of Canada and from the governments of Quebec and Ontario.

II. Positive aspects

4. The Committee welcomes the State party's engagement in a process towards accession to the Optional Protocol to the Convention. The Committee also commends the State party for its constitutional and statutory frameworks, in particular the Canadian Human Rights Act, which recognizes a human rights-based definition of disability and prohibits discrimination based on multiple grounds and on their compounded effects, as well as the Canadian Charter of Rights and Freedoms, in which discrimination is prohibited on the grounds of "mental or physical disability".
5. The Committee welcomes the adoption and/or establishment of legislative and public policy measures at the federal, provincial and territorial levels aimed at implementing the Convention, including the Policy on Communications and Federal Identity adopted in 2016, which requires federal departments to release information in accessible formats; the endorsement of the Sendai Framework for Disaster Risk Reduction 2015-2030, in 2015; and provisions in the Criminal Code to ensure that victims and witnesses with disabilities can provide testimony during criminal proceedings.

* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).

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Please recycle



Children with disabilities (art. 7)

17. The Committee commends the support programme adopted in Quebec aimed at providing independent living for young persons of up to 21 years of age who are not autonomous, i.e., unable to stay at home on their own, as well as the network for "integrating" children with high-level support requirements in childcare services. However, the Committee notes with concern that the Government of Canada has not collected data on children with disabilities since 2006. It also notes that there are now more indigenous children in the care of Canadian services than there ever were in residential schools. It is further concerned about the lack of criteria established for applying the principle of the best interests of the child in actions concerning children with disabilities.

18. **The Committee recommends that the State party:**

(a) **Collect disaggregated information on the situation of and discrimination faced by children with disabilities, particularly indigenous children with disabilities, so as to formulate targeted programmes to tackle the exclusion they face;**

(b) **Ensure earmarked budget allocations for children with disabilities in periodic expenditure programmes at all levels of administration and introduce monitoring indicators for such allocations;**

(c) **Provide indigenous children with access to schools so as to limit their overrepresentation in Canadian welfare services. This can be achieved through direct communication with indigenous communities, as such communication will lead to a more issue-specific resolution;**

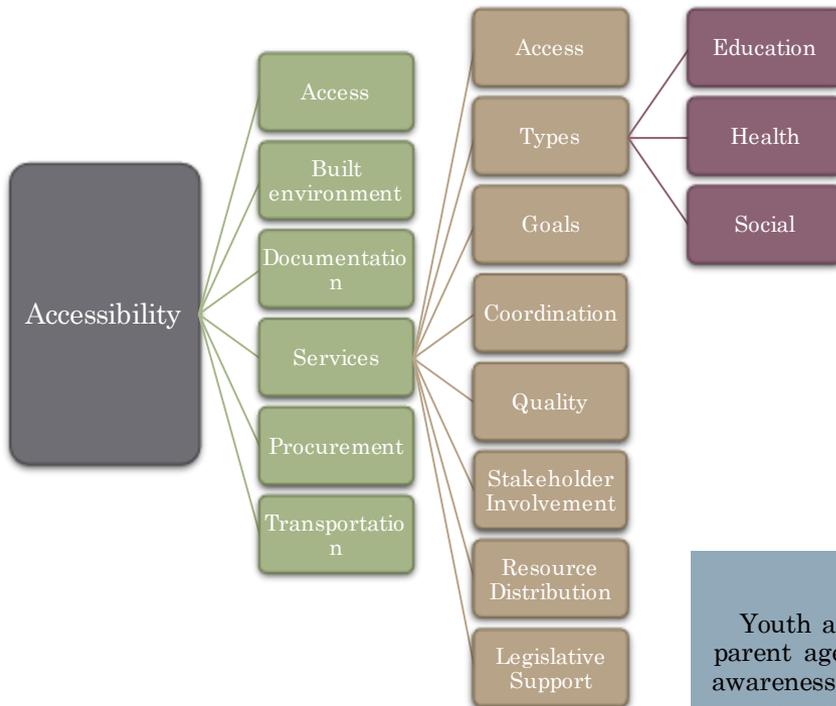
(d) **Introduce guidelines among all levels of administration on how to implement the principle of the best interests of the child in the design, implementation and monitoring of legislation and policies concerning children with disabilities;**

(e) **Prioritize the human rights of children with disabilities in public policies, in particular the recognition of the identity and evolving capacities of deaf children, deaf-blind children and hard-of-hearing children and their different requirements, autistic children and children with psychosocial and/or intellectual disabilities.**

112 academic articles were analyzed

Research Literature Review

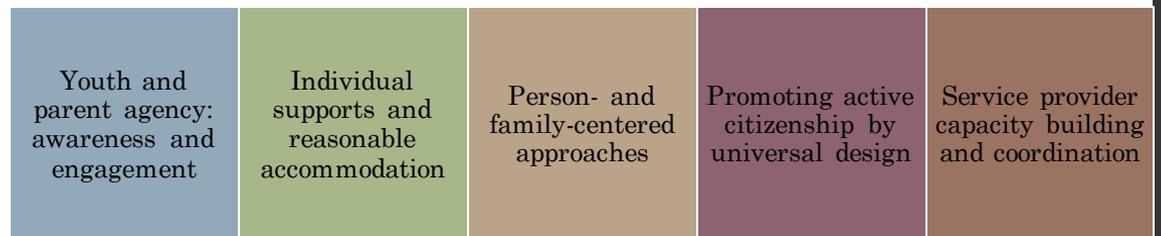
These topics were identified in the research literature



Actionable Topics Identified



Solutions were grouped into 5 categories



Constructive stakeholder dialogues series

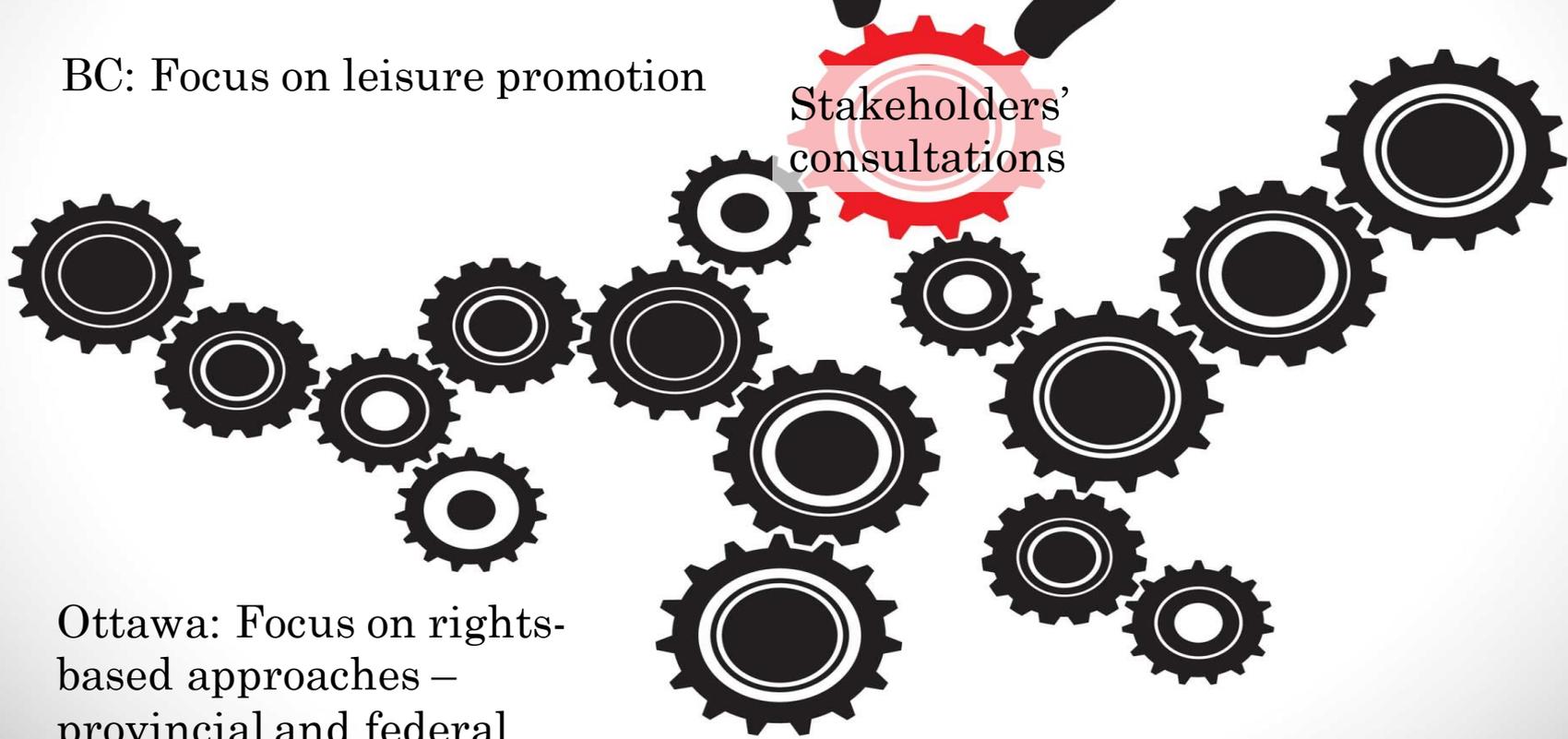
Policy Hub

BC: Focus on leisure promotion

Stakeholders' consultations

Ottawa: Focus on rights-based approaches – provincial and federal representatives

Quebec: Focus on physical activity, funding models, collaborative networks



Conference of the States Parties – Side Event

CHILD-BRIGHT Policy hub



Advancing policies & research on children with disabilities

IN CANADA:



22% of the population are living with some form of disability



250,000 children under age 14 live with brain-based developmental disabilities

WHO ARE WE?

The **Policy Hub** is a rapid response unit to your policy needs. As a CHILD-BRIGHT initiative, it counts on the tacit knowledge of parents of children with disabilities, youth with disabilities, policy advisors, clinicians & researchers.



WHAT IS OUR GOAL?

To bridge the gap between policymaking and evidence to improve the lives of children with disabilities.



OUR PRODUCTS:



Policy Scan & Analysis



Research Briefs



Rapid, Scoping & Realistic Reviews



Policy Dialogues & Stakeholder Consultations

CONNECTION & KNOWLEDGE TRANSLATION



Knowledge generation & knowledge sharing are the base of our work. Our dynamic team of stakeholders, policymakers & researchers are here to support evidence-informed decision-making about health-system issues for children with disabilities & their families. We aim to generate & disseminate quality research into actionable policy actions.

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www.child-bright.ca



Understanding Public Policy Priorities for Childhood Disabilities in Canada Through Computational Text Mining of Public Consultation Data

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Jonathan Lai, PhD, Health System Impact Fellow, McGill University

Derrick L. Cogburn, PhD, Institute on Disability and Public Policy, American University

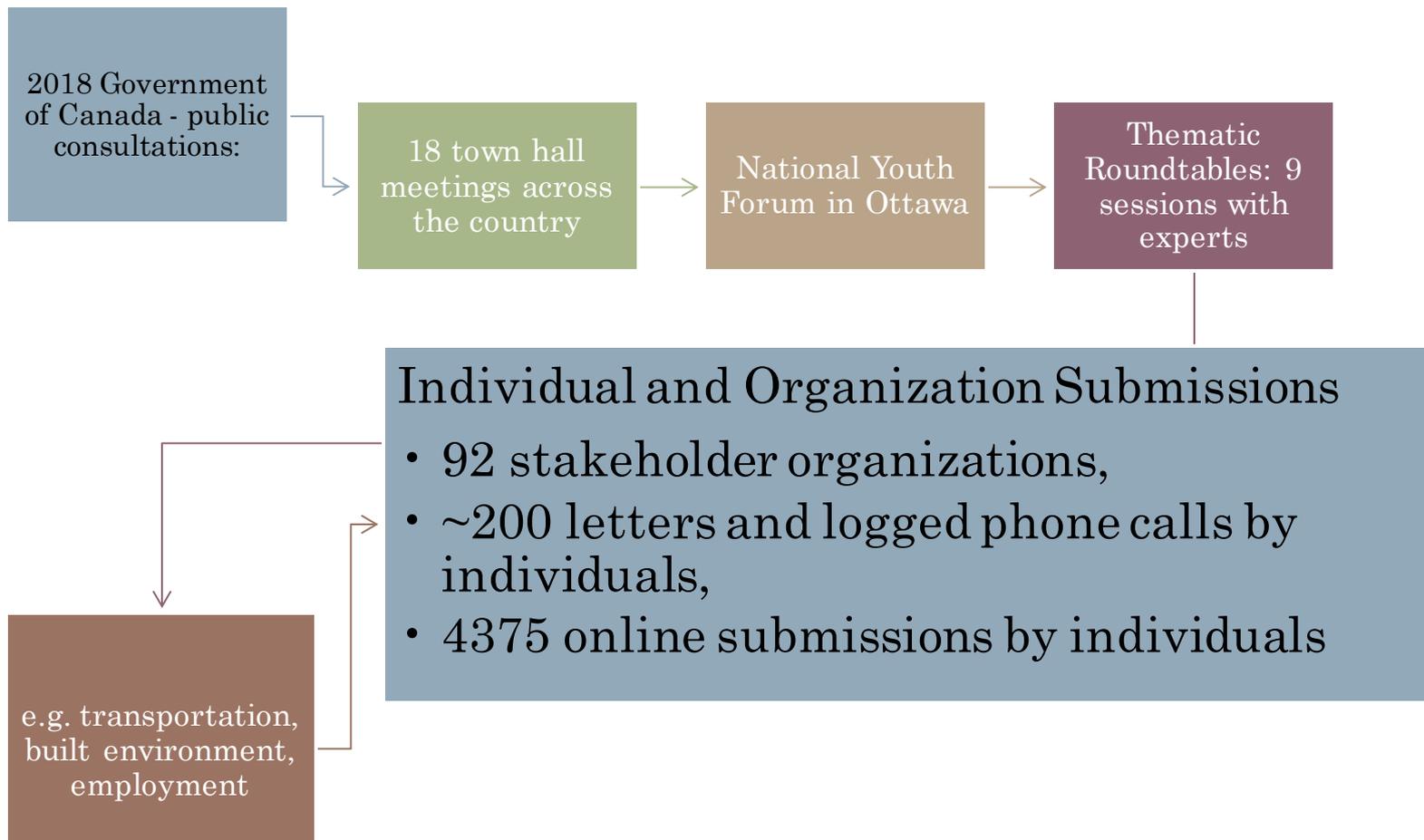
Ananya Chandra, IHSP intern



McGill

Faculty of
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médecine

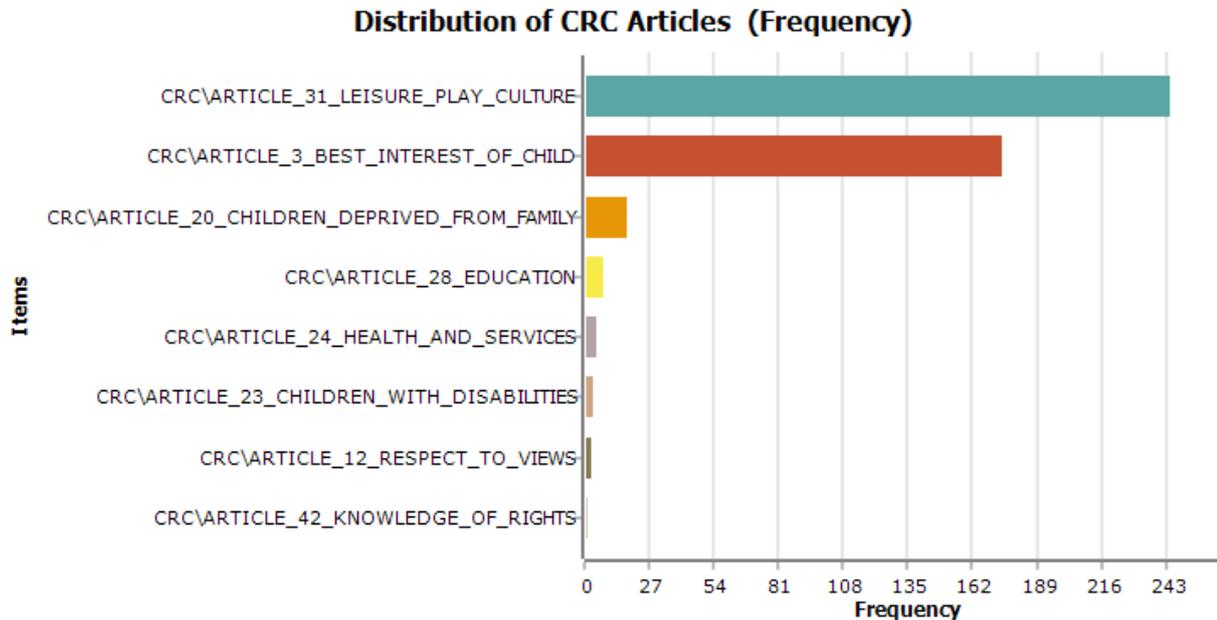
Public consultations - Canada Accessibility Act



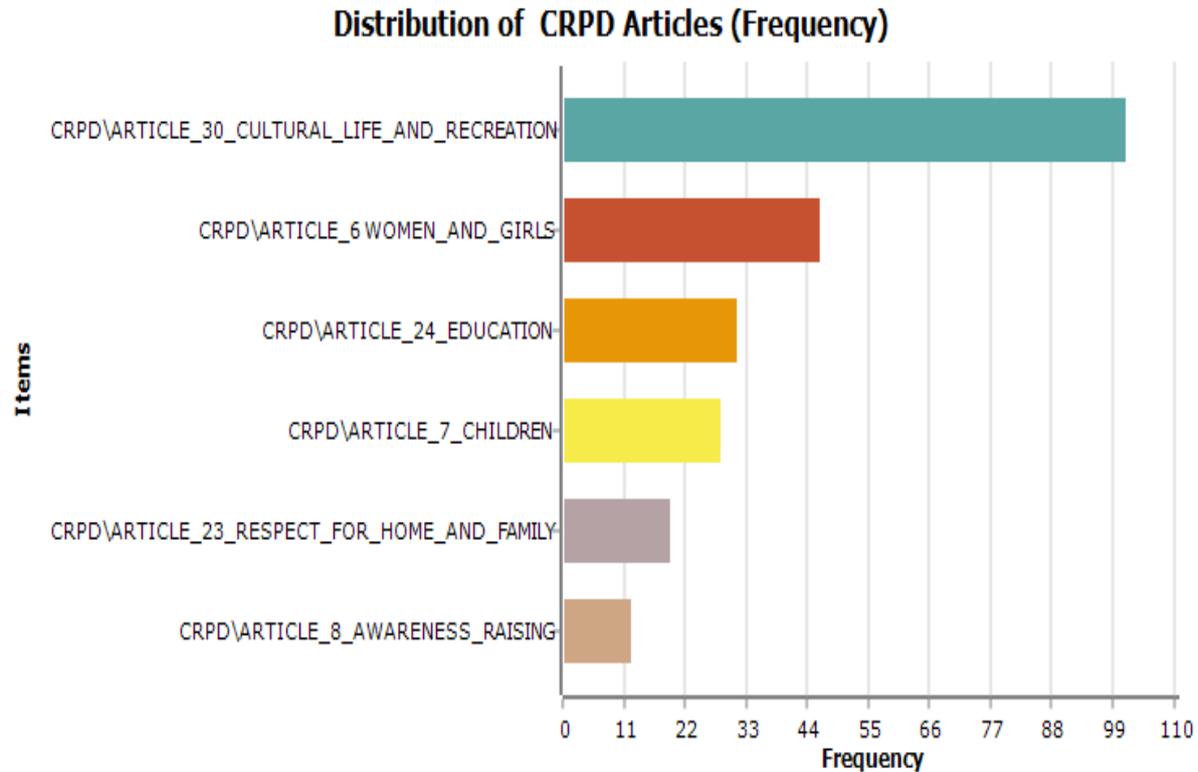
Objectives

- Understand the Canadian public priorities related to children with disabilities.
- Explore the representation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the United Nations Convention on the Rights of the Child (CRC) in these priorities
- Identify directions for research and policy based on public consultation data

UN Convention on the Rights of the Child



UN Convention on the Rights of Persons with Disabilities



UN CRPD – culture change

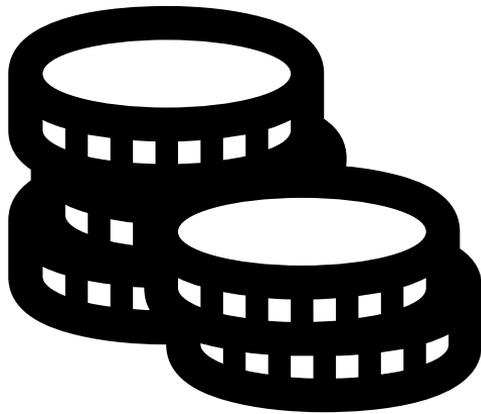
Sign language



- *“Education is 100% the key. **You don't realize how many barriers there are until you are actually put in a persons shoes.** My last program I completed (Intervenor for Deafblind persons) was taught through so many different simulations of being deafblind so that we could understand a bit more of what it is like to have little to no vision, or using tactile **sign language** etc... Even **just supporting people with disabilities, you see how many barriers there are physically in a giant corporations (ie/ Mcdonalds and washroom accessibility)**”*

Social determinants of health

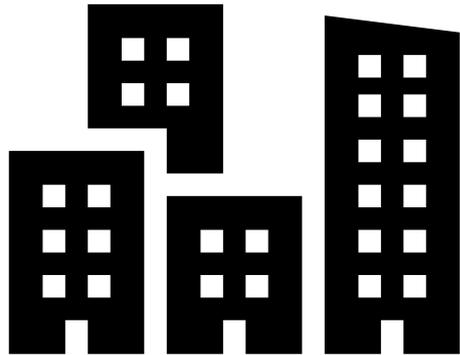
Disability Savings Plan



- ***“I think it's a brilliant program [the Disability Savings Plan], it's very much needed by families who have children with disabilities, or people with disabilities, themselves. However, there are significant barriers to accessing the RDSP because the gate way to that is the disability tax credit, which is not fully accessible for our constituents because the definition is that if you can hear a familiar voice in a quiet room you do not have a disability it is extremely rare that I have that opportunity. So that's cutting out a lot of people from accessing the RDSP which is the critical I think. And so I know we've been advocating we've had the opportunity to speak with the minister simply changing the eligibility criteria. It doesn't have to be a big complicated open up the health care act and all of that, just the powers that be to change the a criteria...”***

SDG 11 – Sustainable Cities and communities

Built environment



- *So all day long I've been thinking, what is it that could help and here there is federal, some provincial and some municipal people. It seems like **there needs to be a harmonization of all three levels of government** that need to figure out ways to get the private sector, the specific buildings, of public buildings and transportation is one thing, but the private sector needs to be telling me, the architect, I don't need this building to be accessible, I need more accessible units. What's going to bring them to the table? Probably some creative tax incentives.*

Bill c-81 – Accessibility legislation procurement



- *When I'm out shopping for whatever, I have a list of requirements. I think accessibility is just another spec. **When your colleagues around cabinet are spending my tax dollars, as a person with a disability, I want to make sure that those funds aren't being spent in such a way that excludes me from benefiting.** Now as much as I would like, I would like to fly the next fighter that Canada buys or pilot or submarine. But let's be realistic, when an infrastructure towards transit, the City of Fredricton ten years ago or some period back, bought a whole bunch of low floor buses with money from Ottawa. They all had (indiscernible) capability, people in wheelchairs [...]*

CRPD Article 5 – equality and non discrimination



- *“we're just ordinary people doing ordinary things with extraordinary difficulties sometimes, so maybe from what I've just been hearing from around the table it needs to shift away from disability to accessibility and the universe a sale design which is really good for everyone, but that still isn't addressing the whole **culture shift that needs to happen around how you effectively interact and include people with disabilities**”*

Canada Report to CRPD #2

- LOIPR

ARTICLE 7: Enfants vivant avec un Handicap

- **Encourager les points de vue de tous les enfants handicapés:** tous les enfants handicapés devraient être représentés dans les forums et les opportunités de la vie publique, y compris les groupes généralement sous-représentés, tels que les enfants plus jeunes, les enfants des communautés rurales ou autochtones, les enfants souffrant de handicaps multiples et graves et les enfants qui utilisent formes de communication non verbales.¹¹
- **Besoin de collaboration fédérale, provinciale et territoriale:** La plupart des domaines liés aux enfants relèvent de la compétence des provinces et des territoires. Il y a un manque de services de transition pour la vie en communauté; pour l'emploi et études postsecondaires; pour accommodements individuels pour un apprentissage diversifié, la coordination des soins et le soutien aux aidants naturels, et des possibilités de participation communautaire et de loisirs.
- **Données insuffisantes**¹²: L'Enquête de santé canadienne sur les enfants et les jeunes de 2019 fournira des informations à jour sur les problèmes de santé rencontrés par les enfants handicapés.¹³ Cependant, à l'heure actuelle, de nombreux autres domaines de la vie restent non documentés.¹⁴

Canada Report to CRPD #2

- LOIPR

- Les données doivent être collectées de manière cohérente sur les enfants handicapés dans les domaines clés liées à l'accessibilité de programmes et de services tels que la santé, l'éducation, le logement, les loisirs de la communauté et les transports.
- **Les enfants handicapés, qui appartiennent également à d'autres groupes marginalisés,¹⁵ sont confrontés à de multiples niveaux de discrimination:** les informations concernant les mesures prises pour lutter contre cette discrimination sont limitées.
- **Soutenir la transition de l'enfance à l'âge adulte:** À mesure que les enfants handicapés deviennent adultes, leurs capacités évoluent et les besoins en soutien évoluent aussi.¹⁶ Des ressources devraient être allouées pour fournir des soutiens universels, tout en prenant compte des besoins individuels.
- **Les enfants sourds ne se voient pas offrir la possibilité de développer leur identité culturelle et linguistique:** les programmes d'intervention précoce ne reconnaissent souvent pas l'identité des enfants sourds et ne permettent pas non plus, d'acquérir les langues des signes.¹⁷

Article 7 – Illustrative indicators on children with disabilities

Full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children

Attributes/ Indicators	Equality and non-discrimination	Survival, development, and preservation of identity	Best interests of the child and respect for evolving capacities	Respect for the views of the child
Structure	<p>7.1 All legislation relating to children prohibits discrimination on all grounds and ensures the respect, protection and fulfilment of the rights of children with disabilities on an equal basis with other children.</p>			
<p>7.2 All legislation, policies and national action plans/strategies concerning children or persons with disabilities, should include references to children with disabilities, require a consultative process and ensure systematic provision and availability of disability and age-appropriate assistance, in particular for them to express their views.</p>				
<p>7.3 Adoption of a moratorium on new admissions to institutions of children with disabilities.</p>		<p>7.8 Implementing regulations, protocols and guidance for authorities on integrating best interest assessments inclusive of children with disabilities in the design, implementation, monitoring and evaluation of legislation and policies whose purpose is to ensure the full and effective enjoyment of the rights and the holistic development of the child or children concerned.</p>		<p>7.9 Implementing regulations, protocols and other measures to promote both: a) the inclusion of children with disabilities in children organizations and initiatives; and b) the development of and support of organizations and initiatives of children and young persons with disabilities.</p>
<p>7.4 Adoption of a legal requirement to take into account the evolving capacities of children with disabilities and their right to preserve their identities in all decisions affecting them and with respect to medical and related interventions and treatments which are invasive, painful and irreversible, e.g. sterilization, that contradict the principle of respect for the evolving capacities of children with disabilities and their right to preserve their identities.</p>				
<p>7.5 Statistics and data collected across all sectors concerning children are appropriately disaggregated and are publicly available in accessible formats.</p>				
<p>7.6 Adoption of a disability marker into budget plans, actual expenditure spending, and internal and external policy and programmatic action lines across all sectors which requires mandatory reporting.</p>				
<p>7.7 Legislation must create or address existing complaints mechanisms by assuring that they are effective and accessible to children with disabilities, at all levels, which allow them to bring forward complaints in regards to the enjoyment of all human rights and fundamental freedoms.</p>		<p>7.10 Implementing regulations, protocols and guidance for authorities on the provision of age and disability-appropriate assistance in seeking the views of a child or children and consulting with and actively involving them.</p>		

Process	<p>7.11 Proportion of legislation, national action plans and strategies, notably those on children, making explicit references to girls and boys with disabilities.</p> <p>7.12 Proportion of asylum-seeking and refugee children with disabilities who access to national services, child protection systems, and targeted programmes.</p>	<p>children under 5 years of age whose births have been registered with a civil authority, by age (SDG indicator 16.9.1), sex and disability.</p>	<p>involvement of children with disabilities through organizations and initiatives of children and young persons with disabilities, on national policy development, implementation and monitoring of all disability-specific and mainstream laws, policies, and programs and services, including in determination of individual and collective best interest of children with disabilities.</p>
	<p>7.15 Percentage of public expenditure directed to girls and boys with disabilities across sectors.</p> <p>7.16 Proportion of awareness raising and information campaigns concerning children and/or targeted at children which are fully accessible and inclusive of children with disabilities.</p> <p>7.17 Proportion of staff involved in the delivery of programs and services related to children, trained on disability.</p> <p>7.18 Number of received complaints alleging discrimination on the basis of disability or disability in conjunction with one or more additional grounds, involving girls and boys with disabilities, investigated and adjudicated in favor of the complainant, disaggregated by kind of mechanism, and the proportion of these complied with by the government or duty bearer.</p>	<p>7.19 Proportion of fully accessible government public awareness and information campaigns concerning the rights and participation of children with disabilities targeted at children with disabilities, among others.</p>	
ome	<p>7.20 Under-five mortality rate (SDG indicator 3.2.1) disaggregated by sex, disability.</p> <p>7.21 Prevalence of undernourishment of children (SDG indicator 2.1.1) disaggregated by sex, age, and disability.</p> <p>7.22 Prevalence of malnutrition among children under 5 years of age, by type (wasting and overweight) (SDG indicator 2.2.2), disaggregated by sex, age, and disability.</p> <p>7.23 Proportion and number of children aged 5-17 years engaged in child labour, by sex and age (SDGs indicator 8.7.1) and disability.</p> <p>7.24 Enrolment rate of children with disabilities in regular schools, disaggregated by age, sex and disability.</p> <p>7.25 Number and proportion of children with disabilities living in alternative care different from family settings in the community, disaggregated by age, sex and disability.</p> <p>7.26 Number of children with disabilities having undergone invasive, painful and irreversible</p>	<p>7.27 Percentage of children with disabilities represented in fora, including within their own organizations, disaggregated by sex, age, and disability.</p> <p>7.28 Number of current organizations and initiatives of children and young persons with disabilities in the State, disaggregated by kind of disability represented and geographical area</p>	

Discussion



Opportunities for “twin-track” CRC-CRPD



Using stakeholder-driven information to guide research, inform policy, foster dialogue –

opportunities: ACA regs, standards, OHCHR Special procedures, Gov of Canada, provincial, municipal

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