



Session 1- Laying the Foundation: A look at current strategies, laws and policies

15th Annual Policy Forum on Inclusion

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- ARCH Disability Law Centre is a disability rights legal clinic located in Toronto, Ontario.
- ARCH is dedicated to defending and advancing the rights, freedoms, and inclusion of low-income persons with disabilities.
- ARCH is primarily funded by Legal Aid Ontario.

More information about ARCH at: www.archdisabilitylaw.ca

1. The United Nations General Comment about Article 19 of the *Convention on the Rights of Persons with Disabilities*.
2. Whether Canada is doing enough to make sure that people with disabilities are living independently and are fully included in their communities as set out in Article 19.
3. An example of how the *Convention* and the General Comment can be important tools in our advocacy.

- What is a General Comment?
- The United Nations Committee on the Rights of Persons with Disabilities wrote a comment about Article 19 of the *Convention on the Rights of Persons with Disabilities*.

General Comment No.5 (2017) on living independently and being included in the community

Plain English version: *What living independently and being included in the community means*

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live>

- Two main parts of Article 19 are the **Right to independent living** and the **Right to be included in the community**.
- The General Comment No. 5 explains:
 - each part of Article 19;
 - how to understand Article 19 with all the other rights that people with disabilities have; and
 - what governments need to do.

The General Comment lists barriers to the right to live independently and be included in community. Some barriers listed include:

- Denial of legal capacity
- Not enough support and protection for independent community living
- Weak laws and not enough funding given
- Negative attitudes and stigma
- Not enough accessible and available supports and services in community
- Governments are not properly checking or “monitoring”

- Is Canada doing enough to make sure that people with disabilities are living independently and are fully included in their communities?
- Concluding Observations on the initial report of Canada (2017)
- Civil Society Parallel Report for the United Nations 2nd and 3rd Review of Canada

- Recent decision of the Court of Appeal for Ontario about the rights of an adult labelled with intellectual disabilities to choose where they wish to live and who they wish to live with.
- Court outlined that, “adults with disabilities must be afforded the dignity of choice”.

J.F.R. v. K.L.L., 2024 ONCA 520:

<https://www.canlii.org/en/on/onca/doc/2024/2024onca520/2024onca520.html>

Thank you!

The information provided in this presentation does not constitute legal advice. Consult a lawyer or paralegal if you need legal advice on a specific issue. Information is current as of the date indicated.

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