



DisAbled Women's Network (DAWN) Canada
Réseau d'Action des Femmes Handicapées (RAFH) Canada

469, rue Jean Talon Ouest, #215 Montréal, QC H3N 1R4

www.dawncanada.net

1-866-396-0074



**Speaking Notes before the Standing Committee on Justice and
Human Rights (JUST)
in view of the Court Challenge Program
May 29, 2016**

We wish to acknowledge the Algonquin people on whose traditional lands we gather today. We thank the Government of Canada for granting the inquiry to the missing and murdered aboriginal women.

The DisAbled Women's Network of Canada is a national feminist cross-disability organization whose mission is to end the poverty, isolation, discrimination, and violence experienced by Canadian women with disabilities and deaf women. The DisAbled Women's Network of Canada has a long history of advancing rights through the courts both on its own and in conjunction with other equality-seeking organizations such as LEAF and the Council of Canadians with Disabilities.

I testified before the Status of Women's standing committee on December 4, 2007, regarding the impacts of cuts to the court challenges program. Before I begin I'd like to take one moment as I appear before you to acknowledge that this is a great day for Canada to see the restoration of the court challenges program. However, for the DisAbled Women's Network of Canada, it's merely a break in the clouds. We are so far behind even with court challenges that the restoration of the program is a wonderful first step. But make no mistake, from where we sit, we're bailing the ocean with a teaspoon.

Canadian women with disabilities are no different from any other women with disabilities in the world. Article 6 of the CRPD, which is the Convention

on the Rights of Persons with Disabilities, applies as much to us as it does to any of our sisters.

Therefore, our first recommendation is for Canada to ratify the optional protocol without delay. As part of a national disabilities act, it will become imperative to ensure that the legislation of our country is free of barriers for women with disabilities. However, this will generally make it free for barriers for men as well, because in most instances women's rights are everyone's rights. This will involve inter-ministerial collaboration as well as broad stakeholder consultation. DAWN Canada would hope to be included in such a process, as it is today, and to be active participants in helping shape our own future and the future of Canadians.

DAWN-RAFH Canada is a member organization of the court challenges program of Canada. We believe the current governance structure has been effective in its stewardship during challenging times. Properly resourced, we believe it could continue to provide robust leadership to Canadians. We agree with recommendations made by other colleagues that the criteria be expanded to include an indigenous stream, a minority language stream, and an equality stream that goes beyond section 15 of the charter. There also should be a newcomers stream for immigration issues and for other ethno-cultural groups. It is very important to provide proper inclusive support for intersectional inclusion such as disability accommodation, linguistic accommodation, sexual orientation, and to support proper participation in all phases of litigation.

At the court challenges program of Canada's annual general meeting, there was openness to thinking about cases being assessed on their facts and merits rather than the artificial caps and criteria that limit how far a case can actually be pursued. We also agree with the Council of Canadians with Disabilities that provincial and territorial cases as well as human rights

tribunals should be funded by an enhanced court challenges program of Canada.

DAWN Canada has done extensive work to address the criminalization of mentally ill women, especially with respect to Ashley Smith. We've also mentioned Kimberly Rogers, who died as a result of a lack of access to both criminal and poverty law representation. Today we are going to focus more deeply on the lack of access to civil legal aid.

In West Coast LEAF's brief, they identified the very serious issues faced by lack of access to civil legal aid particularly in respect of family and poverty law matters that has the most direct impact on the respect and preservation of their rights.

We can give you examples from just this week alone in the organizations we work with. There is a woman with a disability who is trying to ensure her property rights from inheritance, and another who is trying to sell her home after a very bad divorce where her abusive ex-husband prevented the sale of the home by placing a caveat on it. Before this he had placed a business in her name that had gone insolvent, which took her years to get resolved.

There is also a woman with a disability who is in two landlord-tenant disputes after having had to flee dangerous housing environments due to her health. We had one young mother, who is fighting breast cancer, in a divorce process that involves a custody dispute, and she is also in a grievance process with an employer who fired her while she was pregnant. There was a woman living in long-term care who was assessed the ambulance bills for her four hospital admissions even though she is only on comforts allowance. This was finally reversed, but it took several weeks and she had the attendant stress of that during that time.

Another example is a woman who was admitted to a psychiatric hospital and was physically assaulted by a co-patient, and who is being given no help for either physical or psychological recuperation from expenses associated with the attack. A newcomer woman, who had a stroke and depression that's refractory to medication, is unable to find a way to have her current concerns addressed about electric shock treatment, which has also compounded her health concerns. Finally, there is a woman who is trying to leave the sex trade facing eviction and we're trying to help her find appropriate housing, income supports, and medical care to support the application for disability supports.

Our last comments and recommendations are directed to our own DAWN-RAFH Canada brief, "Recommendations: Meeting the Needs of Victims of Crime in Canada", which was submitted to the Department of Justice Canada for the development of a victims' bill of rights for September 27, 2013, outlining the needs for proper disability accommodation to support the needs of victims of crime with disabilities, who are overrepresented amongst the victim population.

In DAWN-RAFH Canada's fact sheet, which is attached to our brief, there are many facts about the different ways in which women with disabilities are subjected to greater risks of violence against them because of the way they're brought into contact with a greater number of people through the process of caregiving and an emphasis on compliance with authority figures as part of living with a disability. In the 2014 report on criminal victimization in Canada, we note that mental health and intellectual disability is often associated with violent victimization, more than four times higher than people who assessed their mental health as excellent or very good. There were 230 incidents per 1,000 population, compared with 53 in the general population.

DAWN-RAFH Canada intervened in the D.A.I. case in 2012, which was a landmark case that helped people with mental disabilities be able to give their evidence as would any other witness, by simply giving an oath to tell the truth. We've never been able to determine whether or not the full impact of this ruling helped survivors to come forward.

Ongoing research as to outcomes of decisions is important, as identified by other colleagues. In the same way we have forged ongoing relationships with the Status of Women office and the office for disability issues, we hope our appearance before you twice in the last two weeks clearly demonstrates a need for ongoing work and dialogue, supported by a dedicated program funding envelope, so that our sisters, women with disabilities across Canada, may also enjoy justice, rights, and dignity along with our fellow Canadians.

Thank you.