

Committee on the Rights of Persons with Disabilities

Draft General comment on Article 12 of the Convention-Equal Recognition before the Law*

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My comments on this revision to article 12 are that people with disabilities need to know what their supportive decision making tools are. This may need to be included in the global educational process. The cost of accessing supportive decision making tools is also critical given the expenses that may be involved and the ability of a person with a disability to not only pay for the support but also the timeframe taken to resolve complaints/violations. In Canada, many provincial human rights tribunals have more than 56 percent of their case load related to discrimination against people with disabilities. This in turn leads to a process of resolution that may take many years.

An additional comment is around the need to have supportive decision making tools available for children with disabilities. This means that educators and health professionals must also know what those structures are and be able to begin a process of identifying the resources for children with disabilities. Here I am thinking of minors who may be caught in a discussion of what is “best for the minor child” without knowing that there needs to be a supportive decision making “advocate” (for lack of a better word) to assist the child in ensuring that their rights are intact and that their voice is heard. This is also true for women with disabilities who may be intimidated by others and not sure of what their rights are. There must be a mechanism to flag these situations and inform all parties of what the supportive decision making tools are. Ultimately it is up to the minor child with a disability or person with a disability, independent of family or peer pressure, to decide which support is best for them with the assistance of the supportive decision making process.

Parents and caregivers should not make decisions in isolation and without supportive tools. The resulting emotional turmoil will last a lifetime. Supportive tools and mechanisms will help everyone involved in the decision making process.

For the past few years I’ve been working in the area of universal design, document accessibility standards and implementation. Making the “shift” to more of a disability rights perspective has shown a gap between the two worlds.

One of the recommendations moving forward would be to review the advances being made in universal design and accessibility standards and incorporate them into the CRPD in some way.

I’ve been reading some of the other submissions and concur with many of the comments.

* Adopted by the Committee at its tenth session (2 – 13 September 2013).