***“Know and Achieve your Human Rights: The United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol”***

***Introduction***

The purpose of this toolkit is to introduce Deaf, Deaf-Blind, and Hard of Hearing Canadians to the international human rights mechanism, and to the processes of monitoring and implementation of the CRPD. It aims to empower them to become effective advocates for meaningful changes to improve the human rights of Deaf, Deaf-Blind, and Hard of Hearing Canadians.

***About the CAD-ASC***

Founded in 1940, the Canadian Association of the Deaf - Association des Sourds du Canada (CAD-ASC) is the oldest national consumer organization of, by and for Deaf, Deaf-Blind and Hard of Hearing individuals in Canada for having its interests represented at national level.

CAD-ASC promotes and protects the rights, needs, and concerns of Deaf, Deaf-Blind and Hard of Hearing people who use American Sign Language (ASL) and langue des signes québécoise (LSQ). CAD-ASC is affiliated with the World Federation of the Deaf (WFD), and it is a United Nations-accredited Non-Governmental Organization (NGO) to the Convention on the Rights of Persons with Disabilities.

***International Human Rights Convention***

An international human rights convention is a written agreement between countries to obey the same law about a particular issue. Conventions, which are sometimes called treaties, covenants, and international agreements are legal instruments that tell governments what to do to make sure all people can enjoy their rights.

The Universal Declaration of Human Rights was adopted by the United Nations in 1948. It is the first international document that states the human rights that all people have. Since then, other human rights covenants and conventions have been developed that expanded on the human rights in the Universal Declaration.

***United Nations Convention on the Rights of Persons with Disabilities (CRPD)***

The Convention on the Rights of Persons with Disabilities is an international treaty that identifies the rights of persons with disabilities, as well as the obligations on States parties to the Convention to promote, protect and ensure those rights. The Convention also establishes two implementation mechanisms: the Committee on the Rights of Persons with Disabilities, which is established to monitor implementation, and the Conference of States Parties, established to consider matters regarding implementation.

***CRPD and Sign languages***There are five Articles of the CRPD Convention referring to sign language, but every Article carries importance for all persons with disabilities, including Deaf, Deaf-Blind and Hard of Hearing persons. It is important to know these five articles to understand how it can be achieved with human rights and sign languages.

***CRPD reporting cycle***Each State party to the Convention must submit to the Committee on the Rights of Persons with Disabilities an initial comprehensive report on measures taken to implement the Convention. The report must be submitted within two years of the ratification and entry into force of the Convention. After that, the State Party submits a State Parties Report every four years. State Parties Reports are also called Periodic Reports. Periodic reporting can be seen as a cycle. This means that it is not a single action or single event, but rather it is a multi-step procedure.

***Human Rights Laws in Canada***

Human rights legislation exists in every provincial, territorial and federal jurisdiction. Jurisdiction is determined by the constitutional division of powers: e.g. complaints involving banking, national airlines, railways, telecommunications and broadcasting, or census taking, military are in the federal jurisdiction. On the other hand, complaints involving school boards, education, health, city government, or restaurants are in the provincial jurisdiction. In general, both federal and provincial human rights law prohibits discrimination in all aspects of employment; the leasing and sale of property; public accommodation, services and facilities; membership in labour unions and professional associations; and it prohibits the dissemination of hate propaganda.

***The Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities***The Optional Protocol is an additional agreement to the United Nations Convention on the Rights of Persons with Disabilities. The Committee may consider individual complaints that allege a violation of an individual’s rights under the Convention if the State has ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. As of January 2020, 96 countries including Canada are party to the Optional Protocol.

***Who can make an Optional Protocol Complaint?***
If a person or a group of people believe that their rights were violated from the CRPD Convention’s perspective, they can make a complaint. The person(s) filing the complaint must be personally and directly affected by the violation. Additionally, another person can make the complaint on behalf of the person whose rights were violated. If this happens, it is very important to show that the person whose rights were violated agreed to the complaint being made.

***Making an Optional Protocol Complaint***There are specific guidelines that specify the information that complainants should keep in mind when submitting their complaint. Please refer to the full report to see these guidelines.

***Submitting your complaint:*** If you would like to submit a complaint to the United Nations Committee, you will need to send it in your primary sign language, in writing, or in another accessible format, such as audio, Easy Read, or braille. Complaints can be submitted in English, French, Russian, or Spanish. When sending your complaint in your primary sign language or in writing, it is important to give as much detail as you can about the human rights violation you are talking about.

Once you've finished writing your complaint, you can send it to:

Petitions Team

Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10 (Switzerland)

Fax: + 41 22 917 9022 (particularly for urgent matters)

Email: petitions@ohchr.org

The overall process after someone makes an Optional Protocol complaint will usually takes 2 to 4 years to get a decision from the UN Committee. When CRPD rights are found to have been violated, the Committee will make recommendations to the Government of Canada about steps it should take to stop or prevent the violation of that person’s rights.

***References***International Human Rights Convention: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>;

United Nations Convention on the Rights of Persons with Disabilities: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

***Thank you to our funder and project partners***
Employment and Social Development Canada, Council of Canadians with Disabilities, Canadian Council on Rehabilitation and Work, ARCH Disability Law Centre, DisAbled Women’s Network Canada, B.C. Aboriginal Network on Disability Society.

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**Canadian**

**Association**

**of the Deaf**– **Association des Sourds du Canada**

www.cad.ca

info@cad.ca

606 - 251 Bank Street

Ottawa, ON K2P 1X3

Charitable Business No.

10807 5003 RR0001