



NWT Disabilities Council

Rights of People with Disabilities in the NWT

What is this document?

This resource outlines the **rights** of people with disabilities in the NWT by detailing laws and policies at the international, national, and territorial level. Please note that this resource does not serve to exhaustively detail legislation, nor does this document provide an outline of all available **services** for people with disabilities in the NWT; rather, this resource communicates how laws and policies relate to important entitlements and/or protections that belong to people with disabilities in the NWT to enable full citizenship.

After providing a brief overview of the three levels of laws and policies that govern the rights of people with disabilities in the NWT, we detail seven domains of rights: health; family and social protection; community living; political participation, employment; education; justice (see Figure 1).



Figure 1. Seven domains of rights of people with disabilities.

Levels of Legislation

In the Northwest Territories, the rights of people with disabilities are governed by three levels of legislation and policy: international, national and international (see Figure 2).

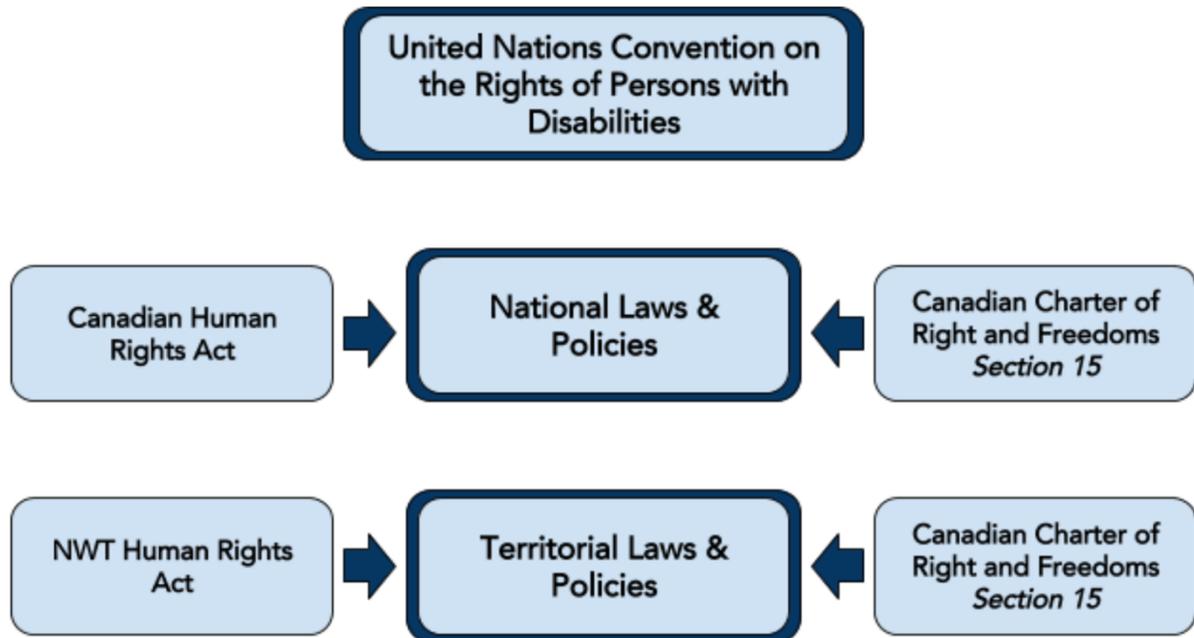


Figure 2. Breakdown of levels of legislation governing disability rights.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is international legislation that dictates rights of people with disabilities. In 2006 the United Nations General Assembly formally adopted the CRPD to promote, defend and reinforce human rights of all people with disabilities around the world. The CRPD consists of 50 Articles that outline specific responsibilities of States to uphold disability rights in all areas of life. In 2010 Canada ratified the CRPD with support from all provinces and territories, including the NWT. Ratification of the CRPD means that Canada has committed to following the Articles in the CRPD and are bound to do so under international law.

At the national and territorial level, many different laws and policies exist that protect the rights of people with disabilities in all areas of life. For example, education rights of NWT students with disabilities are dictated by the NWT Education Act, whereas the right that people with disabilities have to vote is enshrined in the Canadian Charter of Rights and Freedoms. Laws and policies that exist at the national or territorial level generally dictate entitlements of all citizens, rather than entitlements that are specific to people with disabilities; however, we will still look at these laws and policies because three overarching pieces of legislation enshrine the right of people with disabilities to have equal protection and benefit of any law or policy at the national and territorial level. Firstly, the Canadian Human Rights Act is

a statute that ensures that people with disabilities have equal opportunity to benefit from the law and public services under *national* jurisdiction through the provision of **reasonable accommodations**. Reasonable accommodations are defined as an adjustment or modification to a system to make fair or accommodate the needs of an individual. Reasonable accommodations are expected to be made until the accommodating person or organization experiences undue hardship. The NWT Human Rights Act serves the same purpose as the Canadian Human Rights Act but applies to public matters under *territorial* jurisdiction, such as housing, employment, and access to public services. Thirdly, *Section 15* of the Canadian Charter of Rights and Freedoms applies to any law in Canada, whether it be national or territorial. *Section 15* states that all people must have equal protection and benefit of the law no matter mental or physical disability. This means that if a law exists in Canada it must equally benefit people with disabilities and people without disabilities.

Rights to Justice

Rights to justice are the right people with disabilities have to **privacy, autonomy, freedom**, and to live **free from harm**.

United Nations Convention on the Rights of Persons with Disabilities

Article 5: Equality and non-discrimination

Under Article 5, Canada must:

- recognize the right of people with disabilities to equal protection and benefit of the law;
- prohibit discrimination on the basis of disability;
- guarantee people with disabilities legal protection against discrimination;
- take all appropriate steps to ensure that people with disabilities receive reasonable accommodations they need.

Article 10: Right to Life

Under Article 10, Canada must:

- affirm the right that every human being has to life;
- take necessary measures to ensure that people with disabilities are able to equally enjoy their right to life.

Article 12: Equal recognition before the law

Under Article 12, Canada must:

- affirm that people with disabilities have the right to recognition as persons before the law;
- recognize legal capacity of people with disabilities in decision-making;
- ensure that measures are taken to provide access to support needed to exercise legal capacity;
- take all appropriate measures to ensure equal rights of people with disabilities to own or inherit property, control their financial affairs, and access financial credit.

Article 13: Access to justice

Under Article 13, Canada must:

- provide supports to ensure that people with disabilities are able to participate in all legal proceedings;
- promote appropriate training about disability for people working in the justice system.

Article 14: Liberty and security of the person

Under Article 14, Canada must:

- ensure that people with disabilities are able to enjoy the right to liberty and security of the person and recognize that disability is not a justification for loss of liberty.

Article 15: Freedom of torture or cruel, inhumane or degrading treatment or punishment

Under Article 15, Canada must:

- ensure that no one is be subjected to torture, cruel, inhuman or degrading treatment by taking all possible measures for prevention.

Article 16: Freedom from exploitation, violence and abuse

Under Article 16, Canada must:

- prevent exploitation, violence and abuse by providing information and education on how to avoid, recognize and report instances of exploitation, violence and abuse;
- ensure that all facilities and programmes designed to serve people with disabilities are effectively monitored by independent authorities;
- take all appropriate measures to promote recovery, rehabilitation, and social reintegration of people with disabilities who are survivors of exploitation, violence, and abuse.

Article 22: Respect for privacy

Under Article 22, Canada must:

- ensure that no person with a disability, no matter place of residence or living arrangement, is subjected to arbitrary or unlawful interference with his or her privacy;
- ensure that personal information (e.g. health or rehabilitation information) of people with disabilities is protected on an equal basis with others.

National Laws and Policies

Criminal Code of Canada

- Offences of neglect, abuse, harm, violence, or anything or the like are considered crimes and must equally protect people with and without disabilities.

Canadian Charter of Rights and Freedoms

- **Section 7** of the Charter guarantees the life, liberty and personal security of all Canadians and demands that governments respect the basic principles of justice whenever it intrudes on these rights.
- **Section 8** of the Charter sets of the right of individuals right to privacy through prohibition against unreasonable search.

Territorial Laws and Policies

Access to Information and Protection of Privacy Act

- Individuals have the right to access records held about them by public organizations and request corrections to any personal information held by these organizations.
- Individuals have the right to be protected from unauthorized collection of information.
- Personal information held by public organizations cannot be shared with third parties without consent of the individual.

Health Information Act

- Additional protections of information relating to physical or mental health must be in place to safeguard confidentiality.
- When information is shared about patients for the purposes of research or evaluation, all identifying information must be redacted.
- Written consent of the individual or his or her legal guardian must be given before health information about the individual is shared with a third party.

Community Living Rights

Community living rights are the rights people with disabilities have to access **housing** and achieve **social participation** within their home community.

United Nations Convention on the Rights of Persons with Disabilities

Article 8: Awareness-raising

Under Article 8, Canada must:

- take measures to raise awareness throughout society, including at the family level, regarding people with disabilities and the rights of people with disabilities;
- combat stereotypes, prejudices and harmful practices relating to people with disabilities;
- promote the awareness of the capabilities and contributions of people with disabilities.

Article 9: Accessibility

Under Article 9, Canada must:

- enable people with disabilities to live independently and participate fully in all aspects of life;
- take appropriate measures to ensure that people with disabilities have equal access to the physical environment, transportation, and information and communication;
- develop and monitor the implementation of minimum accessibility standards for services and facilities open to the public.

Article 18: Liberty of movement and nationality

Under Article 18, Canada must:

- ensure that people with disabilities have freedom of movement and the ability to choose their residence on an equal basis with others.

Article 19: Living independently and being included in the community

Under Article 19, Canada must:

- recognize the equal right of all people with disabilities to live in the community, with choices equal to others;
- take effective and appropriate measures to facilitate full enjoyment and participation in the community;
- ensure that people with disabilities have the opportunity to choose their place of residence, who they live with, and where they live on an equal basis with others;
- ensure people with disabilities are not obligated to live in a particular living arrangement;

- ensure access to in-home, residential, and other community support necessary for living and inclusion in the community;
- prevent isolation or segregation of people with disability from the community;
- ensure community services and facilities for the general population are available on an equal basis to people with disabilities and are responsive to their needs.

Article 20: Personal mobility

Under Article 19, Canada must:

- ensure personal mobility with the greatest possible independence for people with disabilities;
- ensure that the means of mobility is chosen by the individual and is affordable;
- facilitate access of people with disabilities to appropriate mobility aids;
- provide training to people with disabilities and caregivers on mobility skills.

Article 30: Participation in cultural life, recreation, leisure and sport

Under Article 30, Canada must:

- take all appropriate measures to ensure that people with disabilities have access to cultural life;
- take appropriate measures to give people with disabilities the opportunity to develop and utilize their creative, artistic and intellectual potential;
- recognize that people with disabilities are entitled to recognition of their cultural and linguistic identity;
- ensure equal access to recreation, leisure, and sporting activities through mainstream and disability-specific activities.

Article 28: Adequate standard of living and social protection

Under Article 18, Canada must:

- ensure that people with disabilities have access to public housing programmes.

National Laws and Policies

Canadian Charter of Rights and Freedoms

- **Section 6** establishes mobility rights of Canadians, stating that:
 - every citizen has the right to enter, remain in and leave Canada;
 - every permanent resident has the right to move to and take up residence in any province and to pursue the gaining of a livelihood in any province or territory (**note:** these rights are subject to laws/practices of specific provinces and territories).

Territorial Laws and Policies

Northwest Territories Housing Corporation Act

- Under the Housing Corporation Act, the NWT Housing Corporation is responsible for:
 - Providing, developing and maintaining adequate housing for: senior citizens; families and individuals receiving social allowances or social assistance; individuals requiring minimal nursing; general individuals or families; students or apprentices and families; staff and co-operative housing; NGO housing.

Senior Citizens and Disabled Persons Property Tax Relief Act

- The Senior Citizens and Disabled Persons Property Tax Relief Act supports senior citizens and people with disabilities in the maintenance of home ownership. Under this Act, people with disabilities have the right to pay less or no property tax.
 - **Note:** Residents of Yellowknife, Hay River, Fort Smith, Fort Simpson, Inuvik, and Norman Wells apply through community government to receive a discount determined by the municipality; residents of any other community apply directly to Municipal and Community Affairs with the GNWT and receive 100% rebate for property tax.

Rights to Family & Social Protection

Rights to family and social protection are the rights people with disabilities have to: live with their family and receive supports that enable **family preservation**; be supported by their family **without fear of abuse, neglect, or harm**; have an **adequate standard of living**; and receive supports for **poverty reduction**.

United Nations Convention on the Rights of Persons with Disabilities

Article 6: Women with disabilities

Under Article 6, Canada must:

- recognize that women and girls with disabilities are subject to multiple discrimination;
- take measures to address the full and equal enjoyment of all human rights and fundamental freedoms of women and girls with disabilities.

Article 7: Children with disabilities

Under Article 7, Canada must:

- take all necessary steps to ensure that children with disabilities are given full enjoyment of their human rights;
- take steps to enable children with disabilities to express their views freely on all matters affecting them on an equal basis to other children;
- ensure that the best interest of the child is the primary consideration in decisions regarding the child.

Article 16: Freedom from exploitation, violence and abuse

Under Article 16, Canada must:

- take appropriate measures to protect people with disabilities within and outside the home.

Article 18: Liberty of movement and nationality

Under Article 18, Canada must:

- recognize that children with disabilities have the right to, as far as possible, know and be cared for by their parents.

Article 23: Respect for home and the family

Under Article 23, Canada must:

- take measures to eliminate discrimination against people with disabilities in all matters relating to marriage, family, parenthood and relationships on an equal basis with others;

- recognize and enable enjoyment of the rights of people with disabilities to: marry; start a family; decide freely the number and spacing of children; have access to age-appropriate information about reproduction and family planning; retain their fertility;
- make appropriate assistance to people with disabilities performing child-rearing responsibilities available;
- ensure that the best interest of children is always paramount in decisions regarding guardians, wardship, trusteeship, or adoption;
- ensure that children are not separated from their parents unless such separation is necessary for the best interest of the child;
- ensure that where the immediate family is unable to provide adequate care for a child with disabilities, every effort is taken to provide care within the wider family or home community;
- ensure that children shall not be separated from parents on the basis of disability of the child or either of the parent;
- ensure that children with disabilities have the right to family life free of concealment, abandonment, neglect, and segregation;
- provide comprehensive information, services and support to children with disabilities and their families.

Article 28: Adequate standard of living and social protection

Under Article 18, Canada must:

- recognize that people with disabilities have the right to an adequate standard of living for themselves and their families;
- provide assistance for disability-related expenses;
- provide equal access to poverty-reduction programs and benefits.

Territorial Laws and Policies

Social Assistance Act

- Any person in need in the NWT, or who has left the NWT pursuant to an arrangement approved by the Director of Social Assistance, is entitled to assistance and welfare services.

Income Assistance Regulations

- Any resident of the NWT who is unable to provide adequately for him/herself and his/her dependents is considered in need and eligible for income assistance.
- Support provided through income assistance can be in the form of money, goods, or services.
- Income Assistance Officers must recommend one or more activities that are available in the applicant's home community that the applicant must participate in while receiving income assistance, including one of: wage employment; traditional activities; education

and training; career counselling; welling programs; parent or care of adult family members; unpaid community work.

- Individuals receiving income assistance are entitled to verbal and written warnings and consultation of one's situation before income assistance is terminated.
- People with disabilities who access income assistance are entitled to additional funding for a "disabled allowance" up to \$300/month.
- When Income Assistance Officers calculate "unearned income" to determine the amount of financial support an individual will receive through the Income Assistance Program, they are cannot consider the following disability-relevant items as assets:
 - Contributions other than for ordinary maintenance that are determined, with the direction of the Director, to be paid or payable to the applicant or members of the family of the applicant who require special care;
 - values or benefits from the GNWT Medical Travel Policy;
 - funds accumulated in or received from a Registered Disability Savings Plan;
 - value of assets up to \$50,000 for a disabled person;
 - value of a motor vehicle that is specifically adapted to accommodate a physical disability of the applicant or a dependent;
 - value of an asset that, in the opinion of the Director, having regard to the social and economic circumstances of the applicant, would be unreasonable to expect the applicant to convert to cash;
 - money paid or payable that, in the opinion of the Director, having regard for the social and economic circumstances of the applicant, would be unreasonable to include in the calculation of monthly income.

Child and Family Services Act

- Children must be protected from threat of and actual abuse or harm.
- The needs of the child, including needs related to disability, must be considered when determining the best interest of the child.
- The child, parent and, where appropriate, adult extended family should participate in decision making regarding a child.
- Whenever possible, care for a child should be provided in the child's home community.
- When Child and Family Services considers apprehension of a child, parents and children have the right to express their preferences in decisions.
- Parents and children have the right to consult with legal counsel when presented with an apprehension order. The Director or Child Protection Worker must help facilitate access to legal counsel.
- When reasonably possible, appropriate Aboriginal organizations should be notified when an Aboriginal child is involved in an apprehension hearing and should be given a chance to present at the hearing.
- Families have the right to enter a voluntary support agreement to receive additional support from Child and Family Services to assist a parent who has legal custody of child through access to: respite, counselling, parenting programs, and in-home support.

- All youth in permanent custody of Child and Family Services must have a transition plan written for the transition into adulthood and independent living.
- Child and Family Services can provide services beyond the age of majority, until the age of 23 years, for those in permanent custody.
- Plan of Care Committee should be put in place for those children who are at risk but do not have an immediate need for protection (i.e. apprehension).

Education Rights

Education rights are the rights people with disabilities have to access **inclusive education** that is **responsive** to individual needs across the lifespan.

United Nations Convention on the Rights of Persons with Disabilities

Article 24: Education

Under Article 24, Canada must:

- recognize the right that people with disabilities have to education;
- ensure an inclusive education system at all levels;
- ensure that people with disabilities can access an inclusive, quality, and free primary and secondary education on an equal basis with others in the community they live;
- provide reasonable accommodation of an individual's requirements;
- provide people with disabilities support within the general education system;
- provide effective individualized support measures;
- facilitate learning of augmented or alternative means of communication, orientation, and mobility skills (e.g. Braille);
- facilitate learning of sign language and promote linguistic identity in the deaf community;
- ensure that education of people with disabilities is delivered in the most appropriate language or mode of communication, especially for those students who are deaf, blind, or deafblind;
- take measures to employ teachers who are qualified in sign language and/or Braille, and train professionals who work at all levels of education;
- provide training to professionals that includes disability awareness and information on how to use alternate or augmented modes of communication;
- ensure that people with disabilities have access to tertiary education (e.g. vocational training, adult learning, college, university etc.) on an equal basis with others by providing reasonable accommodations.

Territorial Laws and Policies

Education Act

- All people aged 4-21 years who are residents of the NWT are entitled to have access to the NWT education program.
- A District Education Authority (DEA) may allow a person who is over the age of 21 years and who is a resident of the NWT to access the education program offered from their education district at the discretion of the DEA.

- Every student is entitled to have access to the education program in the regular instructional setting in a public or public denominational school in their home community **except** when:
 - the parent of the student or the student (if the student is an adult) and the DEA agree that the educational needs of the student cannot be met in the education program as it is offered in the home community, and that the student should be educated outside the community; or
 - the student is receiving care or treatment in a long-term care facility or a medical treatment facility outside the home community; or
 - the presence of the student in a regular instructional setting would unduly interfere with the delivery of the education program to other students.

However, even if any of the 3 criteria above excludes a student from education in the regular instructional setting, it is still the responsibility of the education body to provide the education program to that student in a different setting.
- Education staff must make modifications to the school program when modifications are necessary to accommodate the needs or abilities of a student.
- At the written request of the parent or principal a DEA may designate a person to assess if the existing educational program is too challenging or not challenging enough for a student. If the program is found to be too difficult or not difficult enough, the principal will recommend to the parent that an Individualized Education Plan (IEP) be made for the student.
- The principal or a school team designated by the principal must involve the parent in making any decision concerning an IEP, including: development, content, implementation, evaluation, and alteration of the IEP.
- The principal must obtain approval of the IEP from the student's parent before the plan is implemented or altered.
- The principal and the student's parent will decide whether it is appropriate for the student to be involved in any or all of the decisions concerning the student's IEP, and how the student will be involved.
- If the parent of a student or a student disagrees with a decision the principal makes about an IEP, the parent or student can lodge a written disagreement with the school.
- A Divisional Education Council (DEC) or, when no DEC is present, a DEA must ensure that a safety plan is established for schools that includes measures to address instances of bullying.
- Tuition fees and costs (as determined by the Minister of Education) of a student enrolled in an education program outside of the NWT may be paid by the DEA for the student's home education, if:
 - the parent of the student or the student (if the student is an adult) **and** the DEA agree that the educational needs of the student cannot be met in the education program as it is offered in the NWT; or
 - the student is receiving care or treatment in a long-term care facility or a medical treatment facility outside the NWT.

Student Financial Assistance Regulations

- Students with permanent disabilities are entitled to study grants to cover the cost of services and equipment needed while in post-secondary studies.

Health Rights

Health rights are the right that people with disabilities have to receive the **highest standard of medical care** available without discrimination, and to be given the opportunity to be **active agents** in directing their own care.

United Nations Convention on the Rights of Persons with Disabilities

Article 25: Health

Under Article 25, Canada must:

- recognize the right that people with disabilities have to the highest attainable standard of health care without discrimination on the basis of disability;
- provide persons with disabilities with the same range, quality, and standard of free or affordable health care and programmes as provided to other persons, including sexual and reproductive health and population-based health programs;
- provide health services needed specifically because of disability, including services to minimize and prevent further disability;
- provide health services as close as possible to the individual's home community;
- require health professionals to provide the same quality of care and raise awareness of the human rights, dignity, and autonomy and needs of people with disabilities in private and public health care;
- prohibit discrimination against people with disabilities in the provision of health and life insurance.

Article 26: Habilitation and rehabilitation

Under Article 26, Canada must:

- take effective and appropriate measures to enable people with disabilities to reach their full potential through provision of affordable and high-quality rehabilitation services.

National Laws and Policies

Canada Health Act

- Provinces and territories must provide a health insurance program to residents that is: universal; publicly administered; comprehensive; portable; and **accessible**.

Non-Insured Health Benefits Program

- Registered First Nations and Inuit have inherent Treaty rights to health care, providing additional coverage to beneficiaries with disabilities. This right to health care is administered through the National Non-insured Health Benefits Program, which

provides coverage for a range of medically necessary items and services not covered by other plans or programs (e.g. territorial or employer health insurance). Coverage includes: dental care; eye and vision care; medical supplies and equipment; drugs and pharmacy products; mental health counselling; and medical transportation.

Territorial Laws and Policies

Hospital Insurance and Health and Social Services Administration Act

- Covers medically necessary hospital services on an inpatient and outpatient basis.
- All people who are residents of the NWT for 3 months receive hospital services covered at the point of entry, including: accommodation and meals at standard ward care; nursing services in hospital; laboratory, X-ray and diagnostic procedures, and interpretation; drugs prescribed by physician and administered at the hospital etc.

Medical Care Act

- Covers medically necessary physician services administered by licenced physicians.
- All people who are residents of the NWT for 3 months receive physician services covered at the point of entry, including: diagnosis and treatment of illness/injury; surgery; anaesthetic services; obstetrical care; prenatal/postnatal care etc.

Mental Health Act

- An individual can only be admitted as an involuntary patient to a designated medical facility if a medical personally examines the person and determines that the person is:
 - suffering from a mental disorder;
 - is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration or serious physical impairment if he or she is not admitted as an involuntary patient; and
 - is not suitable to be admitted as a voluntary patient.
- A certificate of involuntary admission is only valid for 30 days.
- Medical practitioners are expected to provide ongoing assessment of the patient to ensure that the involuntary order still stands and, if criteria are no longer met, the certificate must be immediately cancelled.
- An individual retains the right to make treatment decisions unless a medical practitioner determines that he or she is unable to give consent. If an individual is incapable of giving consent the director of the medical facility or the attending medical practitioner must make reasonable inquiries for to find a substitute decision maker such as a spouse, child, parent, sibling or other adult family member.
- An involuntary patient can only be transferred outside of the NWT with consent from the patient or his or her substitute decision maker, unless a medical practitioner certifies that the individual cannot be cared for in a designated facility in the NWT.

Extended Health Benefits Policy

- Metis and Non-native residents (not registered First Nations or Inuit Beneficiaries) of the NWT enrolled in the Territorial Health Care Plan who has a Specified Disease Condition, or 60 years of age or over receive additional health care coverage of: specified prescription drugs; additional medical travel; medical supplies, appliances and prosthetics; institutional registration fees.
- Extended Health Benefits can only to be accessed after territorial and employer insurance benefits have been exhausted.

Metis Health Benefits Policy

- Metis persons with disabilities who do not qualify for Extended Health Benefits can access additional health care coverage equal to the National Non-Insured Health Benefits Program through Metis Health Benefits.
- Metis Health Benefits can only to be accessed after territorial, employer and extended health benefits have been exhausted.

Medical Travel Policy

- The GNWT must provide medical travel benefits (e.g. cost of transportation, boarding, medical escorts etc.) to NWT residents who have to travel to access necessary health services.

Employment Rights

Employment rights of people with disabilities are the rights people with disabilities have to: **voluntarily access** work; work in **safe conditions**; receive **equal compensation** for their work; receive **accommodations** in the workplace.

United Nations Convention on the Rights of Persons with Disabilities

Article 27: Employment

Under Article 27, Canada must:

- recognize the right of people with disabilities to work and earn a living in a labour market that is accessible and free of discrimination;
- prohibit discrimination on the basis of disability with regards to all matters related to employment, including: recruitment, hiring, working conditions, and career advancement;
- enable people with disabilities to have access to vocational support and work experience programs;
- employ people with disabilities in the public sector;
- promote the employment of people with disabilities in the private sector through appropriate policies and measures (e.g. affirmative action or incentives);
- ensure people with disabilities are protected from forced or compulsory labour.

National Laws and Policies

Employment Equity Act

- This act applies to private or public-sector employees under federal jurisdiction
- Employer must implement reasonable accommodations in the workplace until the point of undue hardship.
- Employer must provide an employment equity plan that identifies when and how an employer will provide reasonable accommodations and achieve proportionate representation of minority employee groups, including employees with disabilities

Territorial Laws and Policies

NWT Employment Standards Act and Regulations

- People with disabilities in the NWT have the right to equal protection as workers under NWT Employment Standards. This means that people with disabilities have the right to equal compensation for work done, protection from forced labour, and safe working conditions.

GNWT Affirmative Action Policy

- All departments and agencies of the GNWT must give preference in employing, training, and promoting qualified and suitable self-identified people with disabilities who are residents of the NWT.

GNWT Duty to Accommodate Injury and Disability Policy

- The GNWT has a duty to accommodate employees in instances in which, due to the consequence of a disease, injury or condition, an employee's ability to do their job is impaired.
- The GNWT must address accommodations as soon as is reasonably and safely possible and enable a safe and supported return to work by providing reasonable accommodations that respect the dignity and ability of the employee.

Political Participation Rights

Political participation rights of people with disabilities are the rights people with disabilities have to: **freedom of expression and opinion; vote** in elections and plebiscites; be **present in public and political life**.

United Nations Convention on the Rights of Persons with Disabilities

Article 21: Freedom of expression, opinion and access to information

Under Article 21, Canada must:

- take all appropriate measures to ensure that people with disabilities are able to exercise the right to freedom of expression and opinion, including the right to seek, receive and impart information through all forms of communication of their choice;
- provide information intended for the general public to people with disabilities in accessible formats in a timely manner and without additional cost;
- urge private entities that provide service to the general public to make their services accessible to people with disabilities.

Article 29: Participation in political and public life

Under Article 29, Canada must:

- ensure that people with disabilities can effectively and fully participate in political and public life on an equal basis to others;
- ensure that voting procedures, facilities and materials are easy to understand;
- protect the right to vote by secret ballot;
- guarantee free expression of the will of people with disabilities as voters and allow assistance in voting when necessary;
- protect the right of people disabilities to hold public office;
- enable people with disabilities' participation in public organizations.

National Laws and Policies

Canada Elections Act

- All eligible voters should be invited to contact their voting officer to discuss accessibility needs.
- Voters can request assistance from a family member, caregiver, friend, or voting officer in a poll station if they are unable to vote by themselves.
- All voting information must be accessible to people with disabilities.
- Mobile voting can occur in aged care or institutional facilities.
- Voters have the right to request a transfer to a voting station to meet accessibility needs.

Canadian Charter of Rights and Freedoms

- **Section 2** of the Charter sets fundamental freedoms of all Canadians to: conscience; peaceful assembly; association; thought, belief, opinion, and expression; press and other media of communication.
- **Section 3** of the Charter states that every citizen who of legal age has the right to vote.

Territorial Laws and Policies

Elections and Plebiscites Act

- Adopted accessibility standards set out by the Canada Elections Act.

Referenced Conventions, Acts, Policies & Regulations

Access to Information and Protection of Privacy Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/access-to-information-and-protection-of-privacy/access-to-information-and-protection-of-privacy.a.pdf>

Canada Elections Act

<http://laws-lois.justice.gc.ca/eng/acts/E-2.01/page-1.html>

Canada Health Act

<http://laws-lois.justice.gc.ca/eng/acts/c-6/>

Canadian Charter of Rights and Freedoms

<http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

Canadian Human Rights Act

<http://laws-lois.justice.gc.ca/eng/acts/h-6/FullText.html>

Child and Family Services Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/child-family-services/child-family-services.a.pdf>

Criminal Code of Canada

<http://laws-lois.justice.gc.ca/eng/acts/C-46/FullText.html>

Education Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/education/education.a.pdf>

Elections and Plebiscites Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/elections-and-plebiscites/elections-and-plebiscites.a.pdf>

Employment Equity Act (Canada)

<http://laws-lois.justice.gc.ca/eng/acts/e-5.401/FullText.html>

Employment Standards Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/employment-standards/employment-standards.a.pdf>

Employment Standards Regulations (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/employment-standards/employment-standards.r1.pdf>

Extended Health Benefits Policy

<https://www.eia.gov.nt.ca/sites/eia/files/content/49.07-extended-health-benefits.pdf>

GNWT Affirmative Action Policy

http://www.hr.gov.nt.ca/sites/default/files/affirmativeactionpolicy_1.pdf

GNWT Duty to Accommodate Injury and Disability Policy

http://www.hr.gov.nt.ca/sites/default/files/duty_to_accommodate_injury_and_disability_2017.pdf

Health Information Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/health-information/health-information.a.pdf>

Hospital Insurance and Health and Social Services Administration Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/hospital-insurance-and-health-and-social-services-administration/hospital-insurance-and-health-and-social-services-administration.a.pdf>

Income Assistance Regulations (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/social-assistance/social-assistance.r1.pdf>

Medical Care Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/medical-care/medical-care.a.pdf>

Medical Travel Policy

<https://www.eia.gov.nt.ca/sites/eia/files/content/49.06-medical-travel-revised.pdf>

Mental Health Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/mental-health/mental-health.a.pdf>

Metis Health Benefits Policy

<https://www.eia.gov.nt.ca/sites/eia/files/content/49.01-metis-health-benefits.pdf>

Non-Insured Health Benefits Program

<https://www.canada.ca/en/indigenous-services-canada/services/non-insured-health-benefits-first-nations-inuit.html>

Northwest Territories Housing Corporation Act

<https://www.justice.gov.nt.ca/en/files/legislation/nwt-housing-corporation/nwt-housing-corporation.a.pdf>

NWT Human Rights Act

<https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf>

Senior Citizens and Disabled Persons Property Tax Relief Act

<https://www.justice.gov.nt.ca/en/files/legislation/senior-citizens-and-disabled-persons-property-tax-relief/senior-citizens-and-disabled-persons-property-tax-relief.a.pdf>

Social Assistance Act (NWT)

<https://www.justice.gov.nt.ca/en/files/legislation/social-assistance/social-assistance.a.pdf>

Student Financial Assistance Regulations

<https://www.justice.gov.nt.ca/en/files/legislation/student-financial-assistance/student-financial-assistance.r1.pdf>

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/convention-on-the-rights-of-persons-with-disabilities-2.html>