

## **Universal Periodic Review Submission of Canada, Submitted by: Canadian Association of the Deaf-Association des Sourds du Canada**

### **Introduction**

1. The Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC) is pleased to provide a submission to the Human Rights Council of the United Nations in relation to its Canada's Universal Periodic Review.
2. CAD-ASC worked in the collaboration with Canadian Disabled Peoples Organizations (DPOs) for preparing a Civil Society submission to the CRPD Committee, led by Council of Canadians with Disabilities, which prepared a parallel submission for the CRPD Committee during 16<sup>th</sup> Session on August 15<sup>th</sup> - September 2<sup>nd</sup>, 2016 and 17<sup>th</sup> Session on March 20 – April 7, 2017.
3. CAD-ASC would like to contribute more information on concerning the human rights of Deaf people in Canada.

### **Sign Language Recognition in Canada**

4. The Article 21 of the United Nations Convention on the Rights of Persons with Disabilities requires States parties to recognize and support Sign languages, which is essential to our human rights of Deaf people that are clearly outlined in the Convention.
5. Over 42 countries have granted a legal status to recognize Sign languages. Canada is not among of these countries that have not introduced a legislation to recognize our Sign languages-- American Sign Language (ASL) and langue des signes québécoise (LSQ), which shows the value of the linguistic identity of the Deaf community as we integrate into both English and French societies. Such recognition ensures the removal of barriers and ensuring equal access, which is an important step towards to become an inclusive and accessible Canada.

### **Recommendation:**

- **Canada should enact legislation implementing the Convention into Canadian domestic law, including the legal recognition of Canada's two official Sign languages, ASL and LSQ.**

### **Transportation**

6. Deaf people faced barriers on accessibility services for transportation because there are inaccessible communication systems in transportation facilities that Deaf people are not able to receive the communications and information services such as at the Canadian airports regarding any flight changes or any updates on the announcement from the airlines regarding the travel status.
7. Deaf people did not enjoy the flight by watching in-flight entertainment with captioning because there is lack of accessible in-flight entertainment while hearing people have the full access to the entertainment services.

### **Recommendation:**

- **Canada must ensure that communications and information services on the transportation systems are designed and constructed so that they can be used, or reached by Deaf people.**

## **Telecommunications and broadcasting services**

8. Deaf people reported experiencing difficulties regarding on Text with 911 for emergency services because it requires a Deaf person to dial 9-1-1 on a smartphone to place an emergency voice call where there is a waiting time (up to 2 minutes) for an initial text message response from 9-1-1 responders and also, there are so many variables happening after dialing 9-1-1: Call being on hold, congestion voice line, drop-calls, out of range coverage. It is a serious concern with this time delay because it is a safety issues for Deaf people in the time of emergency.
9. Deaf people reported experiencing some issues with broadcasters which is mandated to provide channels for its programming that they did not provide accessible services such as Sign language interpreters in the Picture in Picture (PIP), which is a little box window on television screen and closed captioning in both official languages at the public proceeding of the Canadian Radio-television and Telecommunications (CRTC) through the social media and websites.
10. Canada requires broadcasters to provide quality standards for closed captioning. There are still issues on French-language captioning because it has always behind English-language captioning in its development. There are accessibility issues where Deaf people are not able to access to online captioning content on the website and social media in both official languages.

### **Recommendations:**

- **Canada must address to improve accessibility on telecommunication services for Text with 911 services that requires a faster response time between 9-1-1 responders and Deaf person in order to meet the functional equivalency.**
- **Canada to ensure broadcasters are required 1) to provide French-language audiences to access to captioned programming that is fully equal to English-language access in both quantity and quality; 2) online captioning content for the website and social media; and 3) improve quality standards and to caption of their programming.**

## **Situations of risk and humanitarian emergencies**

11. There is lack of emergency telecommunication services that requires effective communications in the nature of the emergency such as lack of Sign language interpreters within television screens during the broadcasts to communicate with Deaf people about emergency situations.
12. Deaf people have very limited access to these critical emergency information sources through television announcements, social media platforms, and alert messages. This place Deaf people at a disadvantage and perhaps at greater risk. In any emergency, Deaf people must rely on getting information from government services with the provisions of Sign language interpreters and closed captioning through broadcast television and social media platforms.

### **Recommendation:**

- **Emergency television broadcasts, which feature politicians or government officials or the Prime Minister that must be interpreted by a fully qualified Sign languages interpreter. The United States television showed this could be achieved with their emergency broadcasts interpreted during "Hurricane Sandy."**

## Deaf children

13. There are approximately 10% of Deaf children are born to Deaf parents and 90% of all Deaf children are born to hearing parents. Hearing parents may come to this experience with little or no prior appreciation of Sign language. They require help in acquiring Sign language so that they can ensure a family life that includes the whole family Deaf and hearing. Protection of the rights of Deaf children and hearing families with no Sign language models requires particular legislative effort in provinces and territories and specialized early intervention programs to support Sign language learning by parents and children.
14. Early intervention programs across Canada do not provide adequate and meaningful Sign language programming in ASL and LSQ for families with babies identified to have hearing loss of 30dB or more. The negative effects of language deprivation in ASL and LSQ on deaf children can exacerbate the historical disadvantage faced by Deaf people since without Sign language; Deaf children risk linguistic deprivation and subsequent social, cognitive, and psychological effects.
15. The rights of Deaf children are entitled to have an opportunity with success in life with academically, socially, and emotionally that has to be provided with language acquisition of ASL and English, and LSQ and French as a formal communications. The Article 3 of the *United Nations Conventions on Rights of Persons with Disabilities* affirms that children with disabilities have the right to preserve their identities that includes Deaf identity where a Deaf child has the right to preserve their Deaf identity.

## Recommendations:

- **Canada must establish a benchmark for language equality and acquisition of Sign language with a plan to put an end to language deprivation for Deaf babies and children in literary development and education.**
- **Canada must fund specialized and comprehensive Sign language classes for parents of Deaf babies and children.**

## Access to Justice

16. The legal proceeding provides the right to use Sign language interpreters in the criminal court proceeding but not in the civil proceeding. There are issues that Deaf people are not accommodated while incarcerated during civil proceedings. Accessibility through Sign language interpretation is a right; accessibility in Sign language itself is not a right. Therefore, the Eldridge decision affirmed our right to interpretation services, not to Sign language recognition.
17. There are difficulties in accessing competent Sign language interpreters in courts and in obtaining legal assistance. Deaf people have also complained that when it was detained by the police and law enforcement personnel that they are waiting for Sign language interpreters to arrive that take a long time to get one while a hearing person who have been arrested for a similar offence is often charged or cautioned in a much shorter timescale.
18. The provision of accommodations are not provided enough for Deaf people who are in the prison such as Sign language interpreters and Deaf interpreters means that they are unable to communicate with other prisoners and staff, nor receive any equal access to any of the programs and elements of daily existence in prisons such as closed captioning on television or movie, videophones and accessible information and communications.

## **Recommendations:**

- **Canada must provide more training and its approaches on how to improve communication access in Sign languages when Deaf person is detained by the law enforcement.**
- **Canada must continue to provide qualified Sign language interpreting services to ensure accessibility services for Deaf people in justice systems.**

## **Access to Information**

19. The access to information on consumer education and awareness are essential for Deaf people so that can make its own informed decisions on how to access to the government services or to participate into our society in our Sign languages. Currently, the federal government has started with few federal departments to provide the information in Sign languages on their websites but there are so many remaining federal departments that have not provided the access to information in Sign languages yet.
20. Deaf people faced with inaccessible information in the political process because it is not able to make its own informed choices to understand election campaigns from political parties in Canada, which is not available in Sign languages videos and closed captioning. Also, there were no Sign language interpretation services to be provided at the last federal election leader debate from each party leaders through the television broadcasts and social media as well too on the mainstream media. In addition, when a new Parliament was sworn in 2015 that did provided Sign language interpretation services, which Deaf people in Ottawa-Gatineau were able to see them but the rest of Canada, Deaf people did not see Sign language interpreters through the broadcast television.

## **Recommendation:**

- **That Canada develops standard for accessibility of all information and communication, in particular for Sign language including videos, interpretation and others for department websites, consultation processes, and public events.**

## **Education**

21. Deaf people face significant barriers to accessing education on an equal basis because being the only Deaf child in mainstream schools and having access to Sign language only through interpretation leads to isolation that causes mental health and social issues. Deaf children who are not exposed to Sign languages will experience language deprivation. In order to ensure schools with Deaf children requires being in bilingual sign language environment that is provided with the direct instruction in Sign languages. The Deaf community strongly believes that bilingual and bicultural education will ensure that Deaf children reach their full educational potential. As ASL and LSQ are the only fully accessible languages for Deaf children, bilingual education programs must be provided to ensure Deaf children achieve on the same level as their non-Deaf peers.
22. In post-secondary institutions, Deaf people are still faced with accessibility barriers in various provinces because reasonable accommodations such as Sign language interpretation, closed captioning in the classroom are not provided properly. For instance, there are concerns that Deaf students at the post-secondary institutions are required to pay Sign language interpreters first in order to obtain the student grants later, which indicates that it is a negative effect on these Deaf students to obtain an equal basis in the higher education.

## **Recommendations:**

- **Canada must uphold the rights of Deaf children to inclusive education via direct instruction in and study of ASL and English, and French and LSQ in Deaf schools and other schools.**
- **Canada must adopt and enforce laws, regulations and policies to recognize Sign languages as languages of instruction in all schools, including Provincial Schools for the Deaf, and to allow Deaf students to attend Provincial Schools for the Deaf or local schools which provide direct instruction in Sign language in addition to qualified Sign language interpreters, access to bilingual learning materials, and opportunities to study Sign language as a school subject.**
- **Canada must develop and provide more resources for post-secondary programs to train professional Sign language interpreters and qualified Sign language teachers to work with Deaf students.**

## **Immigration**

23. The Immigration and Refugee Protection Act provides an excessive demands on health and social services as a criterion for exclusion from immigration. Canada's immigration law in dealing with Deaf people looks simply at their deficits or the potential "excessive demand." There is one recent case that a mother who has a Deaf daughter that comes from Philippine is in Canada upon the immigration application that may send her Deaf daughter back to her native homeland due to the social burden from provincial and territorial governments on these services in Canada.

## **Recommendation:**

- **Canada must remove the "disability clause" and "excessive demand from the Immigration and Refugee Protection Act to ensure an equal basis with hearing people who are also undertaken an immigration application and entry to Canada.**

## **Work and Employment**

24. The labour market and work environment is not really open enough to ensure an inclusive and accessible to Deaf people. Applying for employment when it is not possible to attend an interview without a Sign language interpreter places that Deaf people at a disadvantaged in seeking in the labour market. The attitudes are part of a systemic discrimination against Deaf job applicants. Equal access to meaningful career and employment opportunities and viable sources of income for Deaf people continues to be a major barrier to increasing the standard of living and quality of life for this segment of the population. Deaf people who have the skills, the education and the ability have the right to the same employment opportunities as hearing people with similar qualifications.

## **Recommendations:**

- **Canada must develop a benchmark to reduce unemployment rate for Deaf people and to provide accessible services in the labour market.**
- **Canada to establish standard federal, provincial, and territorial programs achieve accessible workplaces by educating employers and businesses about the positive financial impact of hiring Deaf employees.**

- **Canada will need to provide employment training program and services including expand school-to-work and higher education transition programs and career support and consultation services for Deaf people to be ready for workplace.**

#### **Participation in political and public life**

25. Deaf people still face barriers in the voting process and in access to information and communications such as Sign language interpretation services at political riding events, panel discussion events, video accessibility in Sign languages and closed captioning on the political parties website and social media.
26. Deaf people do not have same equal access as other Canadians to the democratic and electoral system during all levels of government's election campaign activities and election polls. There is insufficient funding on the provision on Sign language interpretation services for Deaf people to run for the political office in Canada. It was mentioned that there is not enough accessibility services in election process such as Sign language interpretation for candidate's meetings, election campaign activities, election polls and Deaf who are candidates for its own political election campaign activities.
27. Elections Canada provided an access to information and communication on the election process such as Sign language videos to ensure that Deaf voters are able to understand the voting process. However, there are insufficient educational and outreach videos in Sign languages in their provincial and territorial elections across Canada.

#### **Recommendations:**

- **Canada to establish the accommodation fund that does not have the limited requirement where it can allow Deaf person to run for a political office.**
- **Canada must ensure that Sign language interpretation services to be present in the television broadcast during the federal election debate.**
- **Canada must adopt laws, regulations and policies in all levels of government to identify and remove key barriers to the democratic process and electoral information including accessible all candidates' meetings, accessible constituency, riding associations, central policy and campaign offices, accessible campaign information and communication.**

#### **Domestic Implementation and Human Rights Monitoring of the CRPD**

28. Canada has not designated an independent mechanism to promote, protect and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities, as required by article 33.2. The Canadian Human Rights Commission, with the appropriate mandate and resources, should be designated as the monitoring mechanism. Similar resources should be made available to civil society organizations as mandated by CRPD Article 33.3.
29. This is critical for Canada to make further progress toward improving the living conditions, in general, for persons with disabilities and Deaf persons. The monitoring must take into account the particular concerns of Deaf people, including Canada's progress on recognizing Sign languages as official languages and ensuring appropriate access to Sign languages for all Deaf children, youth and adults.

**Recommendation:**

- **Canada must designate the Canadian Human Rights Commission as the independent mechanism to promote, protect and monitor the implementation of the Convention as it relates accountability, data collection and enforcement.**
- **Canada, through the existing federal-provincial-territorial mechanism and in consultation with the disability community, must develop and execute a shared plan to implement the Convention.**