**CRPD Reporting Matrix - Québec**

Guide to issues considered below:

**Mentioned in Québec’s section of the First Report**

3 – Accessibility and personal mobility (CRPD articles 9 and 20)

5 – Access to justice (CRPD Article 13)

Protection of persons (CRPD Articles 10, 11, 14-17)

Fundamental freedoms and respect for privacy (CRPD Articles 18, 21, 22)

6 – Living independently and being included in the community (CRPD Article 19, 30)

Education , promotion and outreach (CRPD Articles 8 and 24)

7 – Health (CRPD Article 25 et 26)

8 – Work and employment (CRPD Article 27)

9 – Adequate standard of living and social protection (CRPD Article 28)

**Not mentioned in Québec’s section of the First Report**

1 – General obligations, National implementation and monitoring (CRPD Articles 4 and 33)

10 – Participation in social and political life (CRPD Article 29)

Respect for home and the family (CRPD Article 23)

Statistics and data collection (CRPD Article 31)

| **Issue** | **First Report of Canada - QUÉBEC** | **LOI Statement of Concern** | **LOI Question** |
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| **Background** | 180 – In 1978, Quebec passed an act to ensure that persons with disabilities could exercise their rights and created the Office des personnes handicapées du Québec (“the Office”). In 2004, the act was renamed An Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (“the Act”) and emphasizes the accountability of all public and private actors. It requires government departments and agencies with 50 or more employees and municipalities with a population of 15,000 or more, to adopt an annual action plan to reduce barriers to the integration of people with disabilities.  181- Adopted in 2009, the policy entitled Equals in Every Respect: Because Rights Are Meant to Be Exercised (“EIER”) seeks to increase the social participation of persons with disabilities. The policy comes with an implementation plan which includes 420 formal commitments.  182 – The Quebec Charter of Human Rights and Freedoms prohibits all forms of discrimination on the basis of disability or of a person's use of a means to palliate one's disability. | While the Act requires government department and agencies with 50 or more employees and municipalities with a population of 15,000 or more to adopt an annual plan to reduce barriers to the integration of people with disabilities, it says nothing about what these plans should include. There are subjected organizations and agencies that haven’t produced a plan yet and a lot of the plans that were effectively produced do not contain structuring measures in the field of competency of the organization, the measures being limited to internal affairs.  Upon reading, the EIER policy looks very good, but it’s lacking effective implementation. The first implementation plan expired in 2013. The Office wrote a report on this subject, stating that 43% of the commitments were achieved, 28% were undergoing continuous achievement, 19% were ongoing achievement, 7% were abandoned and 3% not achieved[[1]](#footnote-1). While these results do not seem so bad, it is important to note that some of the most important commitments were abandoned – including to realize a portrait of accessibility of public health services for persons with disabilities – and that a lot of the commitments achieved were non structuring measures. A new implementation plan was launched for the period 2015-2019. | Does Québec intend to revise the Act to make it more compulsory? |
| **3 - Accessibility and personal mobility (CRPD articles 9 and 20)** | 183 – The right to equality without discrimination recognized in the Charter gives rise to the obligation to reasonably accommodate a person with a disability or of a person's use of means to palliate one's disability. One of the EIER’s intervention priorities is developing accessible environments: premises, transportation infrastructure, communications and consumer products. Under the Act, public transit authorities must implement a development plan to ensure that services are accessible to persons with disabilities. The government financially supports Paratransit services. The Building Code provides barrier-free access standards for buildings and public spaces. Various technical aids programs help to facilitate the mobility of persons with impaired mobility. | As of May 10th 2016, 4 out of the 32 public transit companies subject to this obligation had not submitted their first development plan, ten years after the deadline. Moreover, the quality of the existing development plans varies and some of them are not very substantial. For example, in Montreal, only nine out of seventy-three metro stations are accessible. The City of Montreal committed to retrofit three stations per year, but because resources are lacking, this hasn't happened. Actually, they are not even reaching one retrofitted station per year. Following that pace, the Montreal metro will only be completely accessible by 2085. This is unacceptably long.  Regarding paratransit, the quality and reliability of the service varies a lot throughout the province. In rural areas, for example, the service is very limited. In the cities, thought the service is more extensive; people complain about the lack of flexibility and dependability of paratransit that limits their autonomy and mobility.  Regarding architectural accessibility, Québec’s Code of construction does include some standards. However, these standards are very minimal and do not apply to a lot of buildings. For example, the Code does not set accessibility standards for inside the housing, which forces a lot of people with disabilities to do important and costly renovation work when they move to a new place.    Section 69 of the Act was adopted to make sure that buildings built before the adoption of the first construction regulations in Québec (1976) are minimally accessible. This section compelled the Minister of Work to produce a report on the accessibility of these buildings by December 2006 and to determine by regulation which of these buildings were to be made accessible and what standards of accessibility the owners of these buildings had to comply with. The report was published, but no regulation was adopted.  Also, when it comes to territory development, there is no tool to insure accessibility for disabled people. Municipalities are mostly responsible for the development of their territories; hence the level of accessibility varies a lot from one city to another. | Do Quebec authorities intend to insure that public transit authorities that have so far failed to do so produce and implement a significant development plan to ensure that services are accessible to persons with disabilities?  Do Quebec authorities intend to address the above concerns by enforcing and improving existing rules regarding architectural accessibility?  Does the Minister of Work of Québec intend to comply with section 69 of the Act and determine by decree which buildings built before 1976 are to be made accessible? |
| **5 - Access to justice (CRPD Article 13)** | 184 – Quebec provides a legal aid plan for persons on low income that can benefit persons with disabilities. The Code of Civil Procedure states that any person subject to an application for protective supervision must first be questioned by a judge. There are specific rules that apply to representation and hearings for persons with certain disabilities. Interpreter fees for persons who are deaf and hard of hearing are borne by the government when the person is a party or a witness. | People with disabilities in Québec face some difficulties in access to justice. For example, the interpretation fees for Deaf and hard of hearing persons are indeed paid by the government during the hearing if they are a party or a witness. The problem is that the legal process is not just the hearing: there are meeting with lawyers, encounters with policemen, mediation, etc. There is no interpretation or accompaniment for people with disabilities that require it throughout these steps. It can also be very hard for blind people to have access to all the procedures documents in an accessible format. Prejudices held about persons with disabilities are also a barrier for an equal access to justice. Persons with a disability, especially difficulties of speech or mental health issues are often deemed as less credible.  The rules of the Tribunal des droits de la personne also represent a barrier for some people. The Commission des droits de la personne et de la jeunesse (CDPDJ) is not required to accompany everyone in front of the Tribunal, even if their complaint is valid. If the Commission refuses, on discretionary grounds, to accompany the plaintiff, he can still bring its complaint in front of the Tribunal, but he has to cover all the expenses. Considering that persons with disabilities are simultaneously at higher risk of facing discrimination and to have a low income, this is a considerable barrier in access to justice. |  |
| **Protection of persons (CRPD Articles 10,11, 14-17)** | 185 – Section 48 of the Charter and the Civil Code sets out the principle of the inviolability of the person and consent to care is central to Quebec law, particularly with regard to minors and incapacitated adults. If such a person suffers, or risks suffering, harm through the action or omission of a government agency, that person may request intervention by the Quebec Ombudsman.  186 – The Act allows the Office to intervene when a person with a disability experiences any exploitation or when their basic needs are not met. Furthermore, measures of control such as physical restraint, isolation and chemicals are strictly circumscribed by, among others, the Act Respecting Health Services and Social Services.  187 – The Government Action Plan on Domestic Violence, the Government Action Plan on Sexual Assault and the Government Action Plan to Fight Elder Abuse all propose measures addressing the needs of persons with disabilities, including women.  188 – In detention facilities, training in classifying incarcerated persons helps determine what type of monitoring would be appropriate to his or her physical and mental condition. |  |  |
| **Fundamental freedoms and respect for privacy (CRPD Articles 18, 21, 22)** | 189 – Government agencies are obliged to offer, by means of adaptive communication equipment, access to documents and services for persons with disabilities. Government Web sites must comply with three accessibility standards in line with the most advanced international standards.  190 – In the area of sign language use, interpretation services are provided in the education network. Similar services are also offered in the regions to meet communications requirements in a number of areas of activity.  191- Respect for privacy is affirmed by the Charter and various acts, particularly in the chapter on medical information. | There is a policy for the accessibility of documents and services addressed to the public but its efficiency is questionable. It requires all ministries and governmental organizations to provide accessible version of all the documents, on demand. The delays associated with it can often be too long and the process itself may discourage individuals to actually request the documents. Also, not all the Government Web sites meet the accessibility standards that they are required to.  Regarding the accessibility of services, again, there are some problems, especially a lack of formation and awareness for people working with the public in governmental services. Most of them just don’t know how to act in front of person with disabilities and the services are frequently not designed to address their specific needs.  The last and only report on the implementation of the policy for the accessibility of documents and services was published in 2010, six years ago. | What will Québec do to ensure that all documents and services intended to the public are effectively accessible for all? |
| **6 - Living independently and being included in the community (CRPD Article 19)** | 192 - A home support policy and fiscal measures promote independent living for persons with disabilities.  193 – Quebec’s family policy aims at making daycare services more accessible to children with disabilities. A guide was developed to help daycare providers to adopt attitudes supportive of their integration. In addition, there is a measure for supporting high-needs children with disabilities and integrating them into daycare services, and providing monitoring services to achieve family-work balance. An allowance for respite services and babysitting is also provided. According to the Civil Code, any decision taken with respect to a child must be in the child’s best interest. The Youth Protection Act clearly states that every decision made under this Act must aim at keeping the child in the family environment, unless doing so is not in his or her best interests.  194 – Several programs are offered, such as the Programme d’assistance financière à l’accessibilité aux camps de vacances [Financial Assistance Program for Access to Summer Camps], the Programme d’accompagnement en loisir pour les personnes handicapées [Recreation Support Program for Persons with Disabilities] and the Programme de soutien au développement de l’excellence sportive [Support Program for Developing Athletic Excellence]. | There have been important budget cuts in these areas as well. Québec has a policy to promote home support for elderly people and persons with disabilities, which looks very good on paper. However, due to important budgetary constraints, the services do not follow as they should. We have been made aware of very concerning situations and people have denounced some of these situations in the media. For example, a lot of persons were told to eat store-bought frozen meals because they had to cut their hours of home support. In September 2014, a quadriplegic man named Yvan Tremblay was forced to leave the apartment he has adapted to his needs and lived in for years for administrative and security reasons. Although the man was aware of the risks inherent to living independently and willing to assume them, a concept named the dignity of risk, his choice was not respected. Tragically, for this very reason, Tremblay committed suicide on September 14th 2014.  Families of children with disabilities complain of a lack of financial support and services. Québec’s public daycare system is a relatively good one and there is a good rate of integration of children with disabilities. However, the subsidies for the integration of those children do not cover all their needs, resulting in daycare centers refusing children with disabilities that are deemed too important, because they don’t have the resources to answer their needs.  The Programme d’accompagnement en loisir pour les personnes handicapées is a good thing, but could benefit from some amelioration. The biggest problem that we identify with this program is that it is not designed in an inclusive way. The money is not granted directly to the person to pay for the accommodations she needs in order to participate to the activity of her choosing. Rather it is given to organizations specialized in sports and leisure for people with disabilities. Hence, the person cannot participate, via this program, to activities intended for the general population. | What will Québec do to address the above-mentioned issues? |
| **Education (CRPD Article 24)** | 195 – The Education Act formally recognizes the principle of academic integration in public education. Various rules and procedures are based on this Act, such as the Policy on Special Education, and the Action Plan to Promote Success for Students with Handicaps, Social Maladjustments or Learning Disabilities. | In the past years, public education services have been subjected to important budgetary constraints, resulting in a reduction of specialized services. This undermines the academic success of children with disabilities or learning disorders. There are many ruptures of services along the academic path, especially at transition times (from elementary school to high school, then to CEGEP, then University, etc.).  People with disabilities complain of a lack of individualized accompaniment throughout the academic path. Students are often not presented with a lot of different options for their future, causing difficulties of employment, missed career opportunities and low income.  LSQ is not recognized as a language of instruction in the education act in Quebec.Post-secondary attendance by deaf and hard of hearing people has gone down.  (Note: this could be checked as part of the research project.) | What will Québec do to ensure that student with disabilities are provided with the specialized services and accompaniment that they need throughout their whole academic progress? |
| **7 – Health (CRPD Article 25)** | 197 - All Quebec residents are covered by the public health insurance policy. Medication insurance is obligatory for everyone through either a private or public plan. The government is taking various approaches with professional associations, particularly those in the domain of health, in order to adapt their interventions to the needs of persons with disabilities. | Québec recently underwent a complete restructuration of its health and social services system, combined with important budget cuts. One of the consequences that we observe is a diminution of services for a lot people with disabilities, especially in regard to home support services, as mentioned before.  This adds up to the already existing access difficulties to general health and social services for people with disabilities.  In June 2008, the Ministry of Health and Social services adopted a plan to ensure access to these services to people with disabilities. This plan sets access standards in terms of delays. The Ministry claims that these standards are almost always respected. The problem is that these standards are not adequate. For example, a person can wait up to a year for a service that is considered a “low priority level”, such as having its Braille notetaker repaired. What happens if that person needs this equipment for work? The monitoring indicators for these standards are not adequate either. For all services, people are considered to have obtained a first service – and hence taken off the waiting list – from the moment a first contact has been made by the health center, even if it is just to fix an appointment.  A lot of difficulties in access to health and social services in Québec come from the fact that the system is designed in such a way that it gives the impression that people with disabilities only require services that are specific to their condition. However, people with disabilities can have health issues that are not related to their disability, just like anyone else.  Finally, we are very concerned with the decision of the Minister of Health and Social Services, announced in March 2016, to abolish the mandate of the Health and Wellness Commissioner. | What does Québec intend to do to address the above-mentioned concerns? |
| **8 – Work and employment (CRPD Article 27)** | 196 – Since 1996, the government has held week-long outreach campaigns to promote the rights of persons with disabilities. The Web site Ensemble au travail [Working Together] presents portraits of the professional success of persons with disabilities as well as the programs and services provided to employment candidates and employers.  198 - In addition to the provisions of the Charter, the Act respecting equal access to employment in public bodies requires over 600 public organizations to set up programs for employment equity access, with a view to increase the representation of minority groups such as persons with disabilities. The National Strategy for Labour Market Integration and Maintenance of Handicapped Persons aims at ensuring employment equity for persons with disabilities and increasing their participation in the labour market. By means of grants, the Contrat d’intégration au travail [Employment Integration Contract] promotes the hiring and retaining of persons with disabilities in a standard workplace and the Programme de subvention aux entreprises adaptées [Grant Program for Adapted Businesses] supports over forty businesses that hire a majority of persons with disabilities who are unable to work in ordinary conditions. Furthermore, the government has adapted its employment services to make access easier for persons with disabilities. Finally, a financial assistance program with increased benefits is designed for people with severely limited capacity for employment. | People with disabilities in Québec still face a lot of discrimination when it comes to work and employment. In 2014-2015, almost a third of all the complaints filed in front of Québec’s human rights commission (Commission des droits de la personnes et des droits de la jeunesse) for discrimination in the workplace were based on handicap[[2]](#footnote-2).  The Act compels the Ministry of Employment and Social solidarity to elaborate a strategy for the integration of persons with disabilities on the job market. The National Strategy for Labour Market Integration and Maintenance of Handicapped Persons was adopted in 2008. A second phase was intended for 2014, but has still not been published yet.  The measure Contrat d’intégration au travail (CIT) has helped many persons with disabilities to integrate and stay on the job market since it was first implemented 30 years ago. The proven positive effects of this measure have prompted more and more people to resort to it. However, the budgets allocated for CIT have not followed the demand. The 2008-2013 results for the above- mentioned strategy shows that the government is 6.2 millions short of the 16.4 millions of investment that it had promised for this measure. | What does Québec intend to do to address the above-mentioned concerns? |
| **9- Adequate standard of living and social protection (CRPD Article 28)** | 199 – A residential adaptation program assists persons with disabilities to pay for work required to make their residence more accessible. In addition, publicly funded low-income housing has over 1,600 units adapted for persons with disabilities. The AccèsLogis Program also maintains a supply of rental housing for these clients. | **Housing**  Thought a residential adaptation program exists, there are some problems related to it, beginning with waiting times. In its 2014-2015 report, the Société d’habitation du Québec (SHQ), indicates that the average case processing time was 23 months[[3]](#footnote-3). Althought this delay was reduced by 10 months in the last six years, which is a great improvement, it is still too long. This is a punctual program that addresses the specific needs of the person that files the demand.  There is a maximum amount of money that one person can obtain to make its residence fits to her needs and unfortunately, this amount almost never cover the entire works and the person must cover the difference. Moreover, the SHQ has established a list of price that they estimate reasonable for each type of work done. Since the prices indicated in that chart are not very realistic, it makes it hard for beneficiaries of the program to find contractors that are willing to do the work at this low price.  Persons living in rental housing that wants to beneficiate from the program must negotiate with their landlords for the permission to do the work to make it accessible. Landlords are often reluctant to have this major work done. When they do agree, the tenant is still responsible to cover for the difference in amount that the program does not cover, even thought there is no guarantee that they will be able to stay in this housing unit for a long time. Also, when work for accessibility is funded by the program in a rental unit, there is no obligation for the owner of the building to keep this unit accessible once the person leaves. Hence, the program does not necessarily address the general problem of lack of accessible housing units in Québec.  **Social assistance**  Québec social assistance rules make people face important cuts when they choose to live with their spouse or partner. This situation requires people with disabilities to choose between their sentimental life and their financial autonomy or freedom, resulting in social exclusion.  Québec residents do not participate in the federal pension plan, as the province has its own retirement plan, called Retraite Québec. In the actual state of things, the interaction between Québec’s pension plan and social assistance rules has the effect of unfairly diminishing the retirement pension amount of persons with disabilities that are not able, due to their limitations, to work until they turn 65 years old. Associations of persons with disabilities in Québec have questioned the government on this subject, but the issue has not been addressed yet.  **Tax deduction**  There is a special fiscal measure called Disabled support deduction that allows people with disabilities to deduct the expenses they paid to obtain disability supports. However, this tax deduction is not a refundable tax credit and hence does nothing for people with disabilities that do not pay taxes due to their low income. | What does Québec intend to do to ensure persons with disabilities have access to accessible and affordable housing in a reasonable delay?  Has Québec undertaken a review of restrictive social assistance rules impacting adversely persons with disabilities?  Does Québec intend to modify the rules of social assistance and Retraite Québec to make sure that the retirement pension amount is not unfairly reduced for people that are not able to work until they are 65 years old, due to their disability?  Is Québec willing to convert the Disabled support tax deduction into a refundable tax credit? |
| **1 – General obligations, National implementation and monitoring (CRPD Articles 4 and 33)** |  | Organizations responsible for monitoring the implementation of CRPD in Canada, both at the federal and provincial levels, are not totally independent. In Québec, it is the Office des personnes handicapées (OPHQ). We think that this responsibility should rest with a completely independent organization, such as the Commission des droits de la personnes et des droits de la jeunesse (CDPDJ). Same goes for the federal level.  COPHAN was consulted by the OPHQ in the process of writing the Québec section of the First Report of Canada. | Is Canada willing to assign the responsibility for monitoring CRPD implementation to totally independent organizations? |
| **10 – Participation in social and political life (CRPD Article 29)** |  | In Quebec, at the provincial level, the Electoral Act requires accessibility for all poll stations. Due to the age of many public buildings, authorities can obtain derogation to this rule by asking the Chief Electoral Officer. Such derogation cannot be obtained for the vote by anticipation, for which all poll stations must be accessible. However, there is often a gap between what the authorities consider accessible and what is effectively accessible for all.  It is to be noted that alternative voting procedures are available upon request, such as voting by mail or at a residential facility.  Overall, the voting process could benefit from certain amelioration to become more inclusive, but is generally accessible. However, the act of voting is only a part of the whole electoral exercise and for people with disabilities to make informed choices, all other activities surrounding the vote must be accessible, which is not currently the case in Québec. The Chief Electoral Officer has little or no power over political parties and there are no requirements for the aforementioned to hold accessible partisan activities, debates and electoral campaigns. | What does Québec intend to do in order to make sure that all the electoral process is accessible for people with disabilities? |
| **Statistics and data collection (CRPD Article 31)** |  | There is a critical need for statistics and data collection in all issues affecting persons with disabilities and their families in Canada and in Québec: health, education, employment, income, access to justice, and so on. This is something that a lot of NGOs stress in their communication with government representatives. It makes it very hard for organizations to advocate for the rights of persons with disabilities when we have little or no recent data to support our ground observations.  All government-collected data about the population should contain a specific category for persons with disabilities, in order to see if these people are affected differently than the rest of the population. This would allow targeted action to be undertaken. It would also allow for a better assessment of the results of governmental measures directed towards persons with disabilities.  Moreover, this data should be made available to the public. | Does Québec government intend to collect more and publicize data about persons with disabilities? |

1. OFFICE DES PERSONNES HANDICAPÉES DU QUÉBEC (2013). *Mise en œuvre de la politique gouvernementale* À part entière : pour un véritable exercice du droit à l’égalité *afin d’accroître la participation sociale des personnes handicapées* : *Bilan annuel 2012‑2013*, Drummondville, Direction de l’évaluation, de la recherche et des communications, L’Office, 210 p. [↑](#footnote-ref-1)
2. COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE (2015). *Rapport d’activités et de gestion 2014-2015*. Montréal, Québec, p.51. [↑](#footnote-ref-2)
3. SOCIÉTÉ D’HABITATION DU QUÉBEC (2015). *Rapport annuel de gestion 2014-2015*. Québec, Québec, 128p. [↑](#footnote-ref-3)